

THE CAPE KHOISAN
IN THE
EASTERN DISTRICTS OF THE COLONY
BEFORE AND AFTER
ORDINANCE 50 OF 1828

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`... it would seem that we know far more about
the "Hottentot problem" for the colony than we
know about the people concerned.'

Leslie Clement Duly

`... why do you not speak in this strain
my friends? why do you keep back?'

Mr. Magerman,
Kat River Settlement

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ABSTRACT

My study arose from a wish to consolidate work begun in the 1970s concerning the indigenous people of the Cape - the 'Bushmen' and 'Hottentots' of the historical record who, properly, are called San and Khoi, or 'the Khoisan'. My idea was to build upon existing work (of others, chiefly, but also of my own) concerning their dispossession and subordination by colonists from Europe. The focus has, as far as possible, been the people themselves, with Ordinance 50 of 1828 the pivotal point. The ordinance removed certain disabilities peculiar to the Khoisan and other 'free people of colour' in the colony, and conferred equality before the law. Other researchers have explored the alleged vagrancy of Ordinance 50's beneficiaries, its impact upon wages, and the government's administration of the law.

My project is to uncover all and any of the ways in which the ordinance, in tandem with some simultaneous reforms, was actually experienced by Khoisan. The hint (by L. C. Duly) that a study of 'informal processes' at the local level might yield fresh insights suggested a means to raise the visibility of the Khoisan in the colony's 'master narrative' and, in the process, break new ground. It has proved well-suited to the aim of keeping Khoisan experience to the fore without slipping around to more familiar ways of seeing whereby public policy, the interests of elites, or the application of the law insinuate themselves as principal concerns.

The most important source materials used are in the Cape Archives Depot of the State Archives. These include mission documents as well as government records and correspondence. Three newspapers began publication during the period of the study (c.1820-1835). These are housed at the South African Library, as are certain private journals, travel books, and political commentaries of the time. Valuable secondary works and dissertations, in this and related fields, are available at the Jagger and African Studies libraries at the University of Cape Town.

Part I provides a historiographical review and sets out the aims and objects of the study. Part II deals with economy and government, law, custom and daily life prior to the 50th ordinance. The first year after it was law, when the Khoisan, officials and colonists tested its provisions, is the subject of Part III. Part IV carries the account to 1834-35 when a draft vagrant law shook the Khoisan, and war brought havoc to the eastern frontier. The final section draws together certain themes - self-perceptions and identity, acculturation and the status of traditional lifestyles, the Khoisan's 'ancient' and (new) 'burgher' claim to the land, to mention some. The study concludes that the power of Ordinance 50 to transform the lives of those it proposed to liberate (the Khoisan, principally) has been inflated - more strikingly by those who have looked back on it than by its beneficiaries and their mentors at the time.

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Acronyms

ANN Africana Notes and News
AYB Africana Year Book
BPP British Parliamentary Papers
CAS Centre for African Studies
CCP The Cape Coloured People
CCO Cape Colour Ouestion
CSP Collected Seminar Papers
DSAB Dictionary of South African Biography
IHN/IHR Instituut vir Historiese Navorsing/Institute
for Historical Research
JAH Journal of African History
JICH Journal of Imperial and Commonwealth History
JP Justice of the Peace
JSAS Journal of Southern African Studies
KP Kaapse Plakkaatboek
LMS London Missionary Society
NDSAB New Dictionary of South African Biography (Vol. 6, DSAB)
OHSA Oxford History of South Africa
OBSAL Quarterly Bulletin of the South African Library
RCC Records of the Cape Colony
Rds Rixdollars
SACA South African Commercial Advertiser
SAHJ South African Historical Journal
SAJE South African Journal of Economics
SAJS South African Journal of Science
SARoB Southern African Review of Books
UNISA University of South Africa
VOC Vereenigde Nederlandsche Ge-Octroyeerde Oost-Indische
Compagnie (Dutch East India Company)

PREFACE

An ancestor of mine invented a historical personage. William Canby used his grandmother, seamstress Elizabeth Griscom Ross Ashburn Claypoole, to create Betsy Ross who, American children are told, made the original version of the 'Stars and Stripes' at George Washington's request. Here follows a brief account of the 'fiction behind the legend of Betsy Ross, the woman celebrated for sewing the first American flag':

Elizabeth Griscom Ross Ashburn Claypoole was, in fact, a seamstress living in Philadelphia when the Declaration of Independence was being drafted. But her tale is the invention of her grandson, William Canby, who concocted it all in 1870. The house the city of Philadelphia has designated a historical place, where the Betsy Ross doll is for sale for \$19.95, was actually a bar. The bones in her grave are unidentified. Canby's Betsy Ross fills the need for a Founding Mother among the parade of men personifying the birth of the United States of America.¹

This anecdote is no defence of myth manufacture or consoling pretence to counteract the remorseless oversights of history as it is writ. Rather, it points to the apprehension of gaps in the narratives of nations or self-conscious groups, which may appropriate simulacrum of missing parts. The author of the passage cited above says this about the subject of her book: 'I can explain to you the making of the symbol of Sojourner Truth ... But I cannot talk you out of the convictions you need to get through life.'²

For decades our historiography lived comfortably with vast lacunae. Though not by any means alone among the former European colonies (including the Americas) in this, the linkage of hegemony and subordination - of presence and absence - with 'race' in the specific demographic context made the elisions more startling in our case. My study focuses on one example: The

¹ Nell Irvin Painter, Sojourner Truth, A Life, A Symbol, New York: W.W. Norton & Company, 1996, pp. 285-86, based upon Valerie Reitman, 'Tale of Betsy Ross, It Seems, Was Made Out of Whole Cloth', The Wall Street Journal, 12/6/1992, Sect. A.

² Painter, Sojourner Truth, p. 287.

Khoisan indigenes of southern Africa were 'written out' of history³ and suppressed in life to such effect that their narrative seemed buried by the strident claims of dominant groups. This happened despite the fact that the raw materials of the historian's craft - the written records, pictures and maps - teem with 'Bushmen' and 'Hottentots', and that the public silence masked a wealth of memory and consciousness.⁴

My own research was triggered by a footnote. In the 1970s I read a debate between Dr A. J. Böeseken and Professor Richard Elphick in Cabo, published by the Historical Society of Cape Town, and was interested to note that Khoisan history was not irretrievably lost but was the subject of a full scale dissertation.⁵ Elphick's work stopped with the early eighteenth century: The likelihood of later records' yielding more untapped material was obvious. An intriguing aspect of Elphick's thesis, when I turned to it, was that, besides broad movements and events, individuals had come to light in sufficient detail to be rounded actors in their own right and in their dealings with the Dutch. Here was the warp and woof of a new history, although the prospect for a serious dent in the hegemonic narrative looked bleak.

Up to that point, the leading Khoisan candidate for inclusion in the 'mainstream' was Krotoa ('Eva') who was Jan van Riebeeck's interpreter in her youth. Incorporation was subject, of course, to the master-principle's constraints. Her story was used to

³ J.S. Marais' The Cape Coloured People, an early work which is frequently referred to in my study (see esp. pp. 7, 12-14), did not influence general histories very much.

⁴ See particularly J. Peires, 'Piet Draghoender's Lament', University of the Witwatersrand: History Workshop, 9-14/2/1987, but also work by Kerry Ward and Elizabeth Anne Host.

⁵ 'The meaning, origin and use of the terms Khoikhoi, San and Khoisan', Cabo, 2(2), Jan. 1974, p. 5, n. 9: 'Richard H. Elphick, "The Cape Khoi and the First Phase of South African Race Relations" (unpublished Ph.D. dissertation, Yale University, 1972)'.

illustrate the folly of attempts to tame the savage,⁶ and to titillate concerning transgressive sexual behaviour.⁷ These efforts failed then to capture popular imagination (in the way of Betsy Ross) but, due to a shift in consciousness and relations of power, Krotoa's construction as a symbol, with new meaning, seems entirely possible today.⁸ Another indigene, Saartje Baartman, is the focal point of a campaign to 'recognise the Khoisan as the country's First Nation'.⁹ These developments promise to bring about the genuine inclusiveness towards which historians have worked in recent years.

⁶ D.B. Bosman, 'Uit die Biografie van 'n Hottentottin, 'n Eksperiment in Beskawing', Die Huisgenoot, 3/7/1942.

⁷ Between her alleged early promiscuity and later debauchery, Krotoa married a white man, M.K. Jeffries [*sic*], 'The First Mixed Marriage', African Drum, March 1963.

⁸ Stephen Gray, 'The Frontier Myth and the Hottentot Eve', in his Southern African Literature, An Introduction, Cape Town: David Philip, 1979; V.C. Malherbe, Krotoa, Called 'Eva', A Woman Between, University of Cape Town: Centre for African Studies, Communications No. 19/1990; Karen Press, Bird Heart Stoning the Sea, Krotoa's Story, Lines of Force, Cape Town: Buchu Books, 1990, pp. 45-67, and Krotoa, Pietermaritzburg: Centaur, 1990; Carli Coetzee, 'The Company and the Land: Visions of Disorder and Profit', University of Cape Town: Centre for African Studies, Africa Seminar, Aug. 1993 (Chap. 2 of her Ph.D. dissertation: 'Writing the South African Landscape', University of Cape Town: Department of English Language and Literature, 1993); Antoinette Pienaar and Derek Fordyce, Krotoa, a mini-opera performed at the Klein Karoo National Arts Festival, and elsewhere; Yvette Abrahams, 'Was Eva Raped? An Exercise in Speculative History', Kronos, No. 23, Nov. 1996; Christina Landman, 'The Religious Krotoa (c1642-1674)', Kronos, No. 23, Nov. 1996; Julia Wells, 'The Story of Eva and Pieter: Transcultural Marriage on the Road to Success in Van Riebeeck's Colonial Outpost', unpubl. paper presented at the University of the Western Cape: Gender and Colonialism Conference, Jan. 1997. South African Anna Hamlin, now of New York, is creating a musical with Krotoa/Eva as the central character (private communication). In Krotoa's case, the recent interest is due as much to gender concerns as to 'race'.

⁹ 'Khoi clans rally to secure return of "Hottentot Venus"', Cape Times, 24/3/1997, p. 6. See also 'Khoi [*sic*] call to be recognised as a people', The Cape Argus, 26/3/1997.

My project has been to contribute to this process - not by resort to my forebear's inventive talents but with respect for methods and criteria which distinguish history as a discipline. A model with respect to intent (though never his prodigious scope, or passion) has been Jules Michelet who wrote: "I have given to many of the too long forgotten dead the assistance that I will need myself. I have exhumed them for a second life".¹⁰ An abiding object, thus, has been the 'resurrection' of a past as densely populated as the records permit by the individuals who experienced it. But the act of making visible calls forth a commensurate effort to contextualise. A difficulty is the ease with which the second object swamps the first.

During the years before and after the undertaking of this project I incurred many debts. In 1969 I approached Dr Arthur Davey for advice concerning my first manuscript.¹¹ It did not occur to me that he must be a busy person and he did not mention it. This was the first example of encouragement by members of the Department of History at the University of Cape Town despite my then-rudimentary qualifications appropriate for academic work. If I do not name the many names of generous helpers I hope nevertheless that colleagues, past and present, will know how greatly I appreciate their wonderful support. This refers to the personal side: Equally, the stature and direction of their work has been an inspiration and inestimable aid to every effort of my own.

I have been very fortunate in my thesis supervisors, Dr C. C. Saunders and Dr S. Newton-King. No one could be swifter, abler or (at the same time) kinder in commenting on work-in-progress and responding to appeals for help - or more confidence

¹⁰ Oeuvres completes, 25: Histoire du XIXe siecle, Paris: Flammarion, 1898, p. 3, cited Stephen A. Kippur, Jules Michelet, A Study of Mind and Sensibility, Albany: State University of New York Press, 1981, p. 229.

¹¹ Published as What They Said, 1795-1910 History Documents, Cape Town: Maskew Miller, 1971.

instilling that, with his assistance, important sources and themes will not be overlooked - than Christopher Saunders. This is the greatest boon for which a doctoral candidate can ask. Susan Newton-King and I first met through the discovery that we had tackled, from different angles, the same historical event. The result was a book in which our manuscripts were published side by side.¹² She has been my closest fellow-worker ever since. I warmly thank them both. As well, the enterprise would have sunk without the expert help of the librarians and archivists at the Mother City's fine research facilities - the South African Library, the Cape Archives Depot, and the Jagger and African Studies libraries at the University of Cape Town.

When undertaking a large project, one hopes that the end product will be found useful and reliable by those who follow. Regarding the chance of error, Dr Samuel Johnson observed 'that sudden fits of inadvertency will surprise vigilance, slight avocations will seduce attention, and casual eclipses of the mind will darken learning'. Heaven forbid that avocations or fits of any kind have caused me to darken learning but as that possibility exists I acknowledge all mistakes as mine and invite opportunities to rectify them.

V. C. Malherbe, June 1997

¹² Susan Newton-King and V.C. Malherbe, The Khoikhoi Rebellion in the Eastern Cape (1799-1803), University of Cape Town: Centre for African Studies, Communications No. 5/1981. Christopher Saunders was convenor of the editorial committee at the time.

I. INTRODUCTION

In 1828, when Ordinance 50 repealed the proclamations which had oppressed the Khoisan, there were roughly 40 000 'Hottentots and other free persons of colour' at the Cape of Good Hope.¹ The exact number is uncertain: The first full census was not taken until 1865.² Most of the 40 000 reported were to be found in the predominantly pastoral eastern districts of the colony. Prior to emancipation in the 1830s most 'persons of colour' in the western crop farming districts, Cape and Stellenbosch, were slaves.³

This study focuses on the Khoisan of the eastern districts which, during the period considered, were four in number: Graaff-Reinet, Uitenhage, Albany, and Somerset. The term 'Khoisan' has been adopted to refer to the people with whom the dissertation is concerned.⁴ 'Khoi' or 'Khoikhoi' ('Hottentots') are commonly defined as herders, an economic category distinct from 'Bushman' hunter-gatherers ('San').⁵ Under the impact of conquest and

¹ Table 11.1, in Richard Elphick and Hermann Giliomee eds, The Shaping of South African Society, 1652-1840 [Shaping], Cape Town: Maskew Miller Longman, 1989, p. 524 (figures taken to include Khoikhoi, Bastards, and some 2 000 free blacks).

² Beginning in the Dutch period, opgaafrollen were compiled. The opgaaf was a tax on agricultural production. Rough population figures were obtained by counting non-taxpaying members of burgher families and free 'Hottentot' labourers.

³ For slave distribution (1834) see Table 3.7, Elphick & Giliomee eds, Shaping, p. 135.

⁴ Anthropologists use the term to refer to southern African hunting and herding populations to the present day, see Alan Barnard, Hunters and Herders of Southern Africa. A comparative ethnography of the Khoisan peoples, Cambridge: Cambridge University Press, 1992, esp. pp. 3, 11. For administrative purposes, two additional districts were linked (in 1828) with the four named (Beaufort with Graaff-Reinet, George with Uitenhage) but these are peripheral to the region considered here.

⁵ For a refutation of these definitions see Yvette Abrahams, 'Resistance, Pacification and Consciousness, A Discussion of the Historiography of Khoisan Resistance from 1972 to 1993 and Khoisan Resistance from 1652 to 1853', M.A. Dissertation, Queens University, Ontario, Canada, August 1994, Chap. 2.

colonisation, these neat categories were progressively blurred. The colonists invented labels such as 'Bushman-Hottentots', 'Bastards', and 'Bastard-Hottentots' for the anomalous new groupings which arose from the social breakdown, miscegenation,⁶ and other factors associated with the subjugation of the Khoisan. In 1807 Landdrost Anders Stockenstrom of Graaff-Reinet observed that most of the 'Hottentot' labour force was 'generated from the Bosjesmen'. Fifteen years later his son Andries, by then the landdrost in his stead, repeated the claim: 'captured Bushmen ... at length ... are as it were confounded with the Hottentots.'⁷ Thus, by the early nineteenth century, 'Hottentots' appears as an inclusive term. As Susan Newton-King has said, it was 'both an ethnic and a legal category' by then.⁸

Terminology evokes issues which specialists are unable to resolve on their own. The sense in which 'Bushmen', 'Hottentots', 'San', 'Khoikhoi', and 'coloured people' are employed and understood cannot simply be assumed, as the disputes among workers in this field - archaeologists, anthropologists, and linguists as well as historians - amply show. The disparate views of Dr A. J. Böeseken and Prof. Richard Elphick appear in early issues of the Cape Town journal, Cabo. Apart from their disagreements with regard to the authenticity of certain terms, they are at odds as to whether the fact that some are considered offensive should

⁶ The term 'miscegenation' (Latin: miscere, to mix; genus, race) owes its existence to presumptions concerning race and racial difference.

⁷ George M. Theal ed., Records of the Cape Colony [RCC], London: William Clowes, 1897-1905 (36 vols), 6, Stockenstrom [Sr.]-Caledon, 17/7/1807, enclosed in Caledon-Castlereagh, 25/7/1807, p. 183, & 14, Stockenstrom [Jr.]-Colonial Secretary, 5/6/1822, p. 386.

⁸ Susan Newton-King, 'The labour market of the Cape Colony, 1807-28', in Shula Marks and Anthony Atmore eds, Economy and society in pre-industrial South Africa, London: Longman, 1985, p. 200, n. 4; with Ordinance 50 of 1828, 'the legal category "Hottentot", ceased to exist' though the term was still used popularly, ibid., p. 197. See also Richard Elphick & V.C. Malherbe, 'The Khoisan to 1828', n.+ , p. 4, in Shaping.

influence the historian's decisions about usage. While noting Böeseke's strictures, I believe that 'Khoikhoi' (the term chiefly at issue) has been validated by Elphick's argument. Yvette Abrahams' plea, that we 'need to agree on terminology and get down to the real work of conceptual and methodological revision', is compelling but not as yet achieved.⁹

Although 'San' was adopted at more or less the same time and for some of the reasons as was Khoikhoi, 'Bushmen' is still freely employed in the growing literature. I have no quarrel with the terminology adopted by the editors of The Shaping of South African Society (who prefer 'Bushmen') but have chosen to use San interchangeably with Bushmen in this study. Neither collective was applied by these hunter-gatherers to themselves, and whether or not 'San' is simply a Khoikhoi pejorative awaits the final verdict of the linguists. The Cape's hunter and herder populations, in both the pre-colonial and colonial periods, are being intensively investigated by specialists in various fields. To give just one example of what seemed certain but may be speculative: Archaeologist Gabrielle Ritchie asks whether 'Hottentots' represented in museums and literary texts can unquestioningly be linked with herder archaeological sites.¹⁰

The study encompasses the act emancipating slaves which came into force at the Cape on 1 December 1834, but ends well short of a time when it can be said that the Khoisan's identity was merged with that of the freed slaves. The transition was certainly less abrupt in life than in the records which reflect, not the self-

⁹ 'The meaning, origin and use of the terms Khoikhoi, San and Khoisan', Cabo 1(1), Aug. 1972; 2(2), Jan. 1974; 2(3), Nov. 1975; Abrahams, 'Resistance, Pacification & Consciousness', p. 7.

¹⁰ Ritchie, 'Dig the Herders, Display the Hottentots, the production and presentation of knowledge about the past', M.A. Dissertation, University of Cape Town, June 1990 (introductory chapter). Dr. Cyril Hromnik's independent challenge to the current consensus regarding terminology also awaits the final verdict of linguists and other specialists.

perceptions of the people involved but the fact that distinctions in legal status had been erased. From the 1830s the expression 'coloured people', which replaced older labels as the merger gained ground, was used increasingly to refer to the Khoisan jointly with other free persons of colour. At the same time the colonists kept alive an image of the 'Hottentots'. Because of this and, more especially, reasons of their own, persons of Khoisan descent remained a self-conscious group. This, in conjunction with points made above, justifies (it is maintained) the retention of 'Khoisan' in the period investigated.

Chapter One employs historiography to convey a rough chronology of Khoisan history. The first section deals with the 1920s through the 1960s, a period when a few liberal historians explored the history of the Khoisan with something like the attention formerly reserved for 'Europeans' in South African society.¹¹ These works were landmark publications in their time, and still inform our understanding of Khoisan history. A feature of the period, which seems curious now, is the lack of communication between academic disciplines. Whether by oversight, adherence to conventional practice, or deliberate exclusion, the earlier historians seldom used the insights of researchers in other fields.¹² In contrast, an interdisciplinary approach is valued by scholars presently engaged in reconstructing 'hidden

¹¹ Andrew Bank makes the case for 'the origins of South African historiography in the early nineteenth century polemic' concerning Khoisan dispossession which began with John Philip's Researches in South Africa and continued with the responses of Donald Moodie, Robert Godlonton and others, see 'Liberals and their Enemies: Racial Ideology at the Cape of Good Hope, 1820 to 1850', Ph.D. Dissertation, Cambridge University, March 1995, Ch. 5 passim. For my purposes, the books mentioned have the status of important sources which appeared contemporaneously with other relevant works, for example, that of Saxe Bannister.

¹² See Saul Dubow, 'Race, civilisation and culture: the elaboration of segregationist discourse in the inter-war years', in Shula Marks & Stanley Trapido eds, The politics of race, class and nationalism in twentieth-century South Africa, London: Longman, 1990, p. 85, & Robert Gordon, 'Early Social Anthropology in South Africa', African Studies, 49(1), 1990, pp. 15-48 (esp. pp. 26-30) for attitudes attributed to W.M. Macmillan.

histories' - of women, of blacks - who acknowledge the substantial help they get from anthropologists, archaeologists, and the practitioners of textual scholarship.

The next section surveys newer work on which this study draws for information and analysis. Historiography becomes the vehicle for pointing out important themes in Khoisan history until 1828, my contribution's turning point. The literature is vast if one takes into account the many branches of relevant research, for example, that concerning slavery at the Cape. Only those works which contribute directly to a coherent Khoisan history are cited here. Others which have been formative in a more general sense appear in the bibliography and the main body of the thesis where appropriate. The following section introduces the question of representation in written and pictorial texts. 'The Khoisan Speak' examines the scope for enhanced understandings of their experience in reported speech, and the nature of this evidence.

Chapter Two sets out the objectives of this study. It surveys the literature concerning Ordinance 50 and its aftermath, noting that historians and others have been concerned not only with its impact on Khoisan welfare but its significance for ideology and politics in the society as a whole.

1. The Khoisan: A historiographical review

Khoisan historiography before 1970

The first serious treatment by a historian of the Khoisan¹ came from Margaret Hodgson (later, Ballinger) in 1924. Titled 'The Hottentots in South Africa to 1828: A Problem in Labour and Administration', it held that the 'problem' was more 'economic and administrative' than 'political and racial'.² At the time, the author was a senior lecturer in the Department of History at the University of the Witwatersrand where her former tutor, Professor W. M. Macmillan, was the head. Macmillan's Cape Colour Question followed soon after and it must be supposed that Hodgson's work was carried out with this important project in mind.³ 'Her title', it has been said, 'suggested an entirely Eurocentric approach, but in fact she considered what happened

¹ George W. Stow, whose book on 'native races' (edited by G.M. Theal) appeared in 1905, was a geologist and amateur ethnologist. As the subtitle declares, his focus is on the Bushmen. The 'Hottentots' are thought to have arrived 'along the western coast about the end of the fourteenth century'. See The Native Races of South Africa, A History of the Intrusion of the Hottentots and Bantu into the Hunting Grounds of the Bushmen, and Aborigines of the Country, London: Swan Sonnenschein & Co. Ltd., 1905 (reproduced: Cape Town: C. Struik, 1964), Ch. XIII and p. 249. The 'two nation' viewpoint expounded by Stow - aboriginal hunters and alien pastoral invaders (Khoikhoi) - was a nineteenth century phenomenon. See Richard Elphick, Khoikhoi and the founding of White South Africa, Johannesburg: Ravan Press, 1985, p. 5 (Elphick cites a passage in linguist W.H.I. Bleek and L.C. Lloyd's Specimens of Bushman Folklore, which appeared while Stow was writing his book, as representative of contemporary opinion). Theal was a historian (of the pre-professional era) but his only work with a focus on the Khoisan was ethnographic. See George McCall Theal, Ethnography and Condition of South Africa before A.D. 1505, London: George Allen & Unwin Ltd., 1910.

² M.L. Hodgson, 'The Hottentots in South Africa to 1828: A Problem in Labour and Administration', in Report of the South African Association for the Advancement of Science, 21, 1924, p. 595.

³ W.M. Macmillan, The Cape Colour Question, A Historical Survey [CCQ], Cape Town: A.A. Balkema, 1968 (reprinted from the 1927 edition). Beginning on p. 144, Macmillan cites Hodgson frequently and pays tribute to her 'detailed and valuable study' on p. 170, n. 2.

to the Khoi themselves.'⁴ In a few pages she traced the changing status of the 'Hottentots' over a span of nearly 200 years, and noted many of the themes which later generations of researchers have explored.⁵

Hodgson identified four periods: the seventeenth century; the eighteenth century until 1795, when the Cape passed from Dutch to British hands; the transitional period, 1795-1806; and, finally, the build-up to 1828 - the year of Khoisan 'emancipation' - where her essay ends. Of the period 1652-1700, Hodgson pointed out that the Dutch East India Company's decision to import slaves rather than enslave the Khoisan left the latter 'theoretically free', and able thus to serve the Company by bartering cattle. It proved impossible, however, to prevent other forms of interaction between the colonists and indigenes, and increasing numbers of Khoisan entered into service with the Dutch. This process of absorption accelerated in the eighteenth century as a result of the devastating impact on the Khoisan of the 1713 smallpox epidemic, of rapid trekboer expansion into their territory, and of the difficulty of identifying Khoisan lands due to their nomadic habits. Absorption was 'haphazard', with 'little or no recognition in the law of the land'.⁶ By the century's end there were several classes of Khoisan: A few still in 'kraals'; hired labourers in service to the Dutch; captives and colonial malefactors, also placed in service to farmers; vagrants (here she noted a 1772 order by the Landdrost of

⁴ Christopher Saunders, The Making of the South African Past. Major historians on race and class, Cape Town: David Philip, 1988, p. 118. Saunders attributes H.M. Robertson's interest in black-white economic ties, expounded in a lengthy piece entitled '150 Years of Economic Contact Between Black and White', to a passage in Hodgson's 1924 article, op. cit.

⁵ This is not to say that she is widely acknowledged as having inspired further research. For example, though J.S. Marais covers the same ground, he does not cite her in the bibliography for The Cape Coloured People, 1652-1937 [CCP], Johannesburg: Witwatersrand University Press, 1968 (reprinted from the 1939 edition).

⁶ Hodgson, 'Hottentots in South Africa', p. 600.

Swellendam that field cornets should look out for persons belonging to no kraal, who were unemployed); and the 'children of male slaves and Hottentot women', who could not be enslaved. The government, she believed, did little to define their status until forced to do so by episodes of unrest as the eighteenth century drew to a close.⁷

The period of transition brought the introduction of written contracts, with the aim of reducing conflict in the master-servant relationship. Hodgson cites the steps taken in this regard by acting governor Francis Dundas and governor Sir George Yonge during the first British occupation, and by the Batavian governor J. W. Janssens.⁸ After the British reoccupied the Cape in 1806, they issued proclamations which brought 'Hottentots' within the law but accorded them inferior status in respect to other free inhabitants. Each proclamation followed upon recommendations by officials charged with advising the governor: Lord Caledon's labour law of 1 November 1809 was preceded by the extensive travels and reports of Colonel Richard Collins, while two measures for the indenture of Khoikhoi children, in 1812 and 1819, embodied proposals by the circuit court. These measures aimed to 'safeguard the Hottentot' at the same time as they fixed duties and rights at 'a lower level' than for whites.⁹

In concluding, Hodgson names the problems which contributed to these proclamations' repeal and the enactment of Ordinance 50 of 1828. It is unclear why she maintained that the difficulties were

⁷ Hodgson, 'Hottentots in South Africa', pp. 601-04. Elphick finds the start of Khoisan assimilation into 'the colony's legal system' in 1672, see Shaping, pp. 17-18, 529. Though it speaks mainly of slaves, a useful article is Robert Ross, 'The Rule of Law at the Cape of Good Hope in the Eighteenth Century', The Journal of Imperial and Commonwealth History [JICH], 9(1), Oct. 1980, pp. 5-16.

⁸ Hodgson, 'Hottentots in South Africa', pp. 604-05.

⁹ Hodgson, 'Hottentots in South Africa', pp. 607, 609-11. A separate proclamation in 1817 provided for indenturing certain categories of Bushman child.

more 'economic and administrative' than 'political and racial' as these elements appear to carry equal weight in her analysis. As early as 1801 the fiscal, W. S. van Ryneveld, had pointed out that conflicts of interest would persist for as long as the judicial officers in country districts were appointed from the ranks of local farmers. The circuit court introduced in 1811 ameliorated without overcoming this conspicuous fault. Other problems were: the failure of administrators to amend the proclamations so as to bring practice closer to intent; low wages, a problem in itself which was aggravated by 'the pass system, with its corollary of forced labour'; 'the evil of personal detention', by which Hodgson meant the hold that farmers exercised over servants who were in their debt; unequal application of the law between black and white; worsening attitudes of contempt for the Khoisan as an inferior class as a result of their inferiority in law; and the assumption (for which there was no legal basis) that 'Hottentots' could not own land - with landlessness, furthermore, linked prejudicially in the public mind with 'not being Christians'. Yet, badly as the existing laws needed to be revised, Ordinance 50 was flawed in Hodgson's view in not 'providing either an alternative means of sustenance for the Hottentot ... or an effective police which might keep his vagrant propensities within bounds'.¹⁰

Macmillan's book was the first of a handful of historical works which followed Hodgson with a focus on the Khoisan, before the spate of research begun in the 1970s. Cape Colour Question propounds their transformation 'From "Hottentot" to "Eurafrican"' during the term of Dr. John Philip's superintendency of the London Missionary Society at the Cape (1819-1851). Macmillan sees the 'fate' of 'Hottentots' as 'curiously and strikingly different from that of the Bushmen' of whom, since their near-extinction

¹⁰ Hodgson, 'Hottentots in South Africa', pp. 613-21. Bank points out that 'propensities' (as distinct from 'faculties') belonged to the 'coded phrenological language' which was a part of the biological racism theorised from the mid-19th century, 'Liberals and their Enemies', pp. 334-35. Its use here suggests this sense.

in the eighteenth century, 'there is little for history to say'.¹¹ Thus 'Hottentot', for Macmillan, refers to the former herders alone. In his view the 'Hottentot' herders formed an intermediate group, a 'stage higher than the Bushmen' hunters but lower than the black agriculturalists. Discussion of their legal status begins with a brief section titled 'primitive custom and civilized law'. He concludes, as Hodgson had done, that they were 'outside the law' until the British took matters in hand after 1795. At last, under Philip's influence, the 'political status of the coloured people was ... defined'.¹²

Macmillan takes the narrative beyond Hodgson's end-point by more than twenty years. Considering this later period, he observed that 'hopes of a constructive social policy' founded on the 'political freedom' which had been won were disappointed - for various reasons but, importantly, because of settler reaction to the 'Hottentot rebellion' during the eighth frontier war (1850-53). Thus the 'coloured people' were 'relegated ... to mere proletarianism',¹³ their condition in his own day and age.

More than Hodgson (who refers perfunctorily to the 'vagrant propensities' of 'Hottentots'), Macmillan was concerned with the character of 'peoples' - a theme important also to the next Khoisan historian, J. S. Marais. He tackled head-on the many negative reports concerning 'Hottentots' who, 'deplorably backward' as they were, behaved in ways analogous to the not-so-ancient habits of the Europeans themselves. To the issues of 'vagrancy' and 'thieving', Macmillan brought considerations of

¹¹ CCQ, pp. 26, 29. Macmillan appears not to have found relevance for his own work in that of anthropologist A. Winifred Hoernle, see 'The Social Organization of the Namaqua Hottentots of Southwest Africa', American Anthropologist, 27(1), Jan.-Mar. 1925, pp. 1-24. In fact, he actively opposed the influence of the strong group of anthropologists at the University of the Witwatersrand at the time, see Saunders, Making of the South African Past, p. 56.

¹² Macmillan, CCQ, p. 265 & Ch. III (esp. pp. 27, 35).

¹³ CCQ, p. 279.

the Khoisan's 'rule of life' (specifically their nomadism and communalism) in the context of individualism and private property which Europeans took for granted as the basis for their system of law - forgetting that for themselves as well these concepts were relatively new.¹⁴

Marais' study followed several contributions (post-dating Hodgson and Macmillan) to a history of the Khoisan. These came from an anthropologist, a linguist, an economist, and a psychologist - the first and last of which he used.¹⁵ Though not about the Khoisan *per se*, psychologist MacCrone's treatise dwelled on them to explain the development of race attitudes and colour prejudice. Marais, with his focus on 'white policy towards people of colour', took up a theme of MacCrone's, namely, the identification of 'Christian' with 'European' and exclusion from equal status of non-Christians or those perceived as having no religion at all.¹⁶

¹⁴ CCQ, Ch. 3 *passim*. Where Macmillan generalises about African societies as 'communal', Elphick describes pastoralism as favouring 'an individualistic society', Khoikhoi, p. 68.

¹⁵ Isaac Schapera, The Khoisan People of South Africa: Bushmen and Hottentots, London: Routledge & Paul, 1930; L. F. Maingard, 'The Lost Tribes of the Cape', South African Journal of Science [SAJS], 28, Nov. 1931, pp. 487-504 (followed by 'The First Contacts of the Dutch with the Bushmen until the time of Simon van der Stel (1686)', SAJS, 32, Nov. 1935, pp. 479-87); H. M. Robertson, '150 Years of Economic Contact between Black and White', South African Journal of Economics [SAJE], II-III, 1934-35; I.D. MacCrone, Race Attitudes in South Africa. Historical, Experimental and Psychological Studies, London: Oxford University Press, 1937. Saunders suggests that Robertson's two-part article was generally overlooked because it appeared in a journal not much read by historians, Making of the South African Past, p. 118. This may account for the omissions of Hodgson and Maingard as well.

¹⁶ CCP, pp. 10, 34, 113, 137, 169; Saunders, Making of the South African Past, p. 117. MacCrone's theses regarding the paramountcy of the frontier, and of responses by Christians to non-Christians in shaping race attitudes became the subject of lively debate in the 1970s. See Martin Legassick, 'The frontier tradition in South African historiography', in Marks & Atmore eds, Economy and Society, pp. 44-79 (first published in Collected seminar papers on the societies of Southern Africa [CSP],

In his reaction to Cape Colour Question, Marais claimed that Macmillan, in criticising 'the colonist and the official', had lost sight of some 'realities', one being 'the character and mode of life of the Bushman, Hottentot and Bastard'. He described the 'four elements which by their combination have produced the Coloured People of to-day' (the above three, plus the slaves). In his exposition of Bushman 'origins' and history, Marais provided a new perspective: They had not 'vanished' after all (nor were they impervious to 'civilisation', a rebuttal of historian G. M. Theal) but 'entered the ranks of the Coloured population'.¹⁷

Apart from amendments to received opinion of this kind, Marais' assessment of the Khoisan conforms fairly closely with Macmillan's. On the important issue of their disability, before 1828, respecting ownership of land, the two historians are as one in thinking that the land rights of nomadic pastoralists were 'academic' under a system of private ownership which was entirely alien to them.¹⁸ The 'realities' Marais undertook to expose are chiefly situated at the policy level, namely, the motives of officials and what he deems to have been realistic at the time, given 'the character and mode of life' of the 'peoples' involved.¹⁹ Assertions regarding character - where, often, the ascribed traits seem naturally to justify the policies devised -

Institute of Commonwealth Studies, London University, 1970-71); W.M. Freund, 'Race in the social structure of South Africa, 1652-1836', Race and Class, 18(1), 1976-77, pp. 53-67.

¹⁷ CCP, pp. viii, 13, 25, 30.

¹⁸ CCQ, p. 148; CCP, pp. 114, 123. Of the consequence of landlessness, that is, the necessity to live and work on the colonists' farms, Marais is rather dismissive of Macmillan's view that this amounted to 'forced service and virtual slavery', CCP, p. 123, referring to CCQ, p. 133.

¹⁹ Without amending his assessment of Khoisan character, Marais makes a stronger statement with regard to the cruelties they endured at the hands of frontier farmers in J.S. Marais, Maynier and the First Boer Republic, Cape Town: Maskew Miller Ltd, 1944 (reprinted 1962), pp. 70-77.

permeate the literature. The question of representation in texts of various kinds is at the forefront of investigation at the present time and is important to this dissertation as well.

Marais' claim that 'The Hottentots put up a remarkably feeble resistance to the weak white community', also that they were 'surprisingly ready to barter away their cattle' for trifles,²⁰ are examples of themes enlarged upon, or challenged, by later historians. Both comprehensive (the story is pursued virtually to date of publication) and detailed, the book was definitive for several decades and is still valued today.

Little of note with a focus on the Khoisan was added to the small corpus cited above for three decades. A new era, distinguished by an interdisciplinary approach to the history of Africa as a whole, had its local debut with the first volume of The Oxford History of South Africa, in 1969.²¹ Four chapters by R. R. Inskip and Monica Wilson conveyed fresh insights from the fields of anthropology, history, linguistics, and archaeology. Chapters by M. F. Katzen, T. R. H. Davenport, Leonard Thompson, and Wilson (again) portray the indigenes as self-motivated participants in interaction - involving cooperation as well as conflict - with each other and the white colonists. In this telling, the Khoisan are well-served from a mainly anthropological view but the 'coloured people' are virtually invisible.²² Reactions to the

²⁰ CCP, pp. 6, 7. With regard to resistance Marais did not differ from Macmillan who had said that 'Hottentot resistance ... to the advance of the Dutch settlers was hardly even as vigorous as that of the more primitive Bushmen', CCQ, p. 27.

²¹ Monica Wilson and Leonard Thompson eds, The Oxford History of South Africa. I. South Africa to 1870 [OHSI], Oxford: The Clarendon Press, 1969. In the same year, Thompson published another volume with a useful chapter on interaction. See Gerrit Harinck, 'Interaction between Xhosa and Khoi: emphasis on the period 1620-1750', in Leonard Thompson ed., African Societies in Southern Africa, London: Heinemann, 1969.

²² The thematic format of Volume II does not include a chapter on, or substantial treatment of, 'coloured people' whose role or condition are noted by brief references only, see Monica

Oxford History as well as attempts to answer questions about resistance, the influence of the frontier, the creation of social hierarchies, and so on inspired new research which by now forms the basis for a more nuanced and theorised Khoisan history.

Khoisan historiography, 1970-1990

Richard Elphick's doctoral dissertation (1972) presented a wealth of new perspectives on Khoikhoi experience until 1713, the main tenets of which appeared in 1977 in Kraal and Castle: Khoikhoi and the Founding of White South Africa.²³ His aim was to provide 'a causal analysis of the disintegration of Khoikhoi society' which would fill a gap in the historiography pertaining to the Cape Khoikhoi before and in the early aftermath of settlement by whites. Though challenges came, from linguists and archaeologists in the main, little amendment was required for the second edition in 1985. It remains to be seen if conclusive evidence will be found to support Elphick's reconstruction of pastoral expansion by 'migratory drift' into the Cape, beginning around 2 000 B.P.²⁴

The significance of the San for Elphick's exploration of the period before the arrival of Europeans lies in the fact that 'the Khoikhoi were descendants of hunters who acquired stock'.²⁵ His contention that an 'ecological cycle of hunting and herding', involving adoption of each other's lifestyles under certain

Wilson and Leonard Thompson eds, OHSa II. South Africa 1870-1966, Oxford: The Clarendon Press, 1978 (first published 1971).

²³ R.H. Elphick, 'The Cape Khoi and the First Phase of South African Race Relations', Ph.D.: Yale University, 1972; Kraal and Castle: Khoikhoi and the Founding of White South Africa, New Haven and London: Yale University Press, 1977 (edited and published as Khoikhoi and the founding of White South Africa in 1985, see n. 1, Chap. 1).

²⁴ See, e.g.: A.J.B. Humphreys, 'Before van Riebeeck - some thoughts on the later prehistorical inhabitants of the south-western Cape', Kronos, 4, 1981, p. 5; Barnard, Hunters and Herders, pp. 25, 33-35. B.P.: Before Present.

²⁵ Khoikhoi, Ch. 1. See esp. Map 1, p. 16.

conditions, was (and remained) 'embedded in the economy of Khoikhoi and their hunter neighbours' has been strongly challenged in a debate which centres on hunting and herding 'value systems'.²⁶ The nature of hunter/herder interaction is relevant to the issue of Khoisan resistance to domination by Europeans, to be discussed below.

Livestock - a 'highly volatile' form of wealth - was central to Khoikhoi economy. The 'political weaknesses' of pastoralism (as practised on southern African terrain) were largely responsible, in Elphick's view, for the Khoikhoi's 'comparatively passive' response to the challenges which Europeans posed. He concludes: '[A]gainst the threat of rapid social and cultural innovation, they were to offer remarkably little resistance'. On the other hand, he refuted the impression that the Khoikhoi, in their early encounters with Europeans, foolishly depleted their wealth to obtain mere trifles. At the start, iron 'was just as valuable [to the Khoikhoi] as livestock was to the Europeans'; when their need for this commodity was met, they angered their trading partners by demanding copper and brass.²⁷ Their stigmatising by Europeans as hopelessly 'improvident' has been an aspect of the 'othering' of the Khoisan. Elphick's comment in this case is a useful model for analysis of other points adduced as proofs of 'nature'.

Elphick's discussion of the Khoikhoi under colonial law leads him to conclude that they were drawn into the Dutch system of justice by degrees, and more effectively at this early stage than Hodgson or Macmillan appear to have thought. In accounting for their 'decline', Elphick pointed not only to a progressively exploitative livestock trade but also to the interplay of certain features of traditional practice with Dutch policies towards land, labour, and interference in herder affairs. The Khoikhoi

²⁶ Andrew B. Smith, 'The Origins and Demise of the Khoikhoi: The Debate', South African Historical Journal [SAHJ], 23, 1990, pp. 3-14; Barnard, Hunters and Herders, pp. 156, 159.

²⁷ Khoikhoi, Ch. 3, esp. pp. 67-68; Ch. 4 (p. 76 for quote).

`adopted the language, religion, and many of the customs of the Europeans' at a rapid rate but this did not prevent their incorporation as a `subordinate caste'. Negative images of the Khoikhoi, which had a long history prior to colonisation by the Dutch, were reinforced by their perceived failure to assimilate on terms which the Europeans set.²⁸

Elphick speaks of the 1713 smallpox epidemic and the subsequent harsh drought as `the final catastrophe', which affected Khoikhoi far and wide and decimated them in the western Cape.²⁹ The importance of smallpox for Khoikhoi decline and descent into bondage has been the subject of debate. In a discussion which subsumes earlier challenges to Elphick on this point, Leonard Guelke and Robert Shell argue for a `non-catastrophic explanation beginning around 1706 of the gradual decline of the Khoikhoi as independent peoples'. In short, more devastating than disease was the cumulative effect of the colonists' success in gaining control of water sources, `one spring or spruijt at a time'.³⁰ The case which these two authors construct breaks with Elphick on a related point: Where the latter asserted that `the possession of cattle and sheep' and `not the land' was the crucial condition for Khoikhoi independence, Guelke and Shell insist that the securing of land-with-water was the key to

²⁸ Khoikhoi, Part 3. For a criticism of Elphick's analysis see Yvette Abrahams, `Take Me to Your Leaders': A Critique of Kraal and Castle', in Kronos, 22, Nov. 1995, pp. 21-35.

²⁹ Khoikhoi, p. 229.

³⁰ `Landscape of Conquest: Frontier Water Alienation and Khoikhoi Strategies of Survival, 1652-1780', Journal of Southern African Studies [JSAS], 18(4), Dec. 1992, p. 824. See also: R. Ross, `Smallpox at the Cape of Good Hope in the eighteenth century', African Historical Demography, Edinburgh: Centre of African Studies, 1977, pp. 416-28; A.B. Smith, `Khoikhoi Susceptibility to Virgin Soil Epidemics in the 18th Century', South African Medical Journal, 75, 1989. Ross returns to the political aspects of attributing decline to non-indigenous disease in Robert Ross, Beyond the Pale, Essays on the History of Colonial South Africa, Hanover & London: Wesleyan University Press, 1993, p. 206 & n. 67.

`decisive secular advantage' in the contest between Khoikhoi and colonist.³¹

Henry Bredekamp filled a gap in the literature which, in its Eurocentric focus, portrayed the decades of rule by Van Riebeeck and Simon van der Stel as the high points between 1652 and 1700 - skimming over the period 1662-1679. Expeditions launched from the Dutch fort to seize the riches thought to abound in a fantastic hinterland found little besides sheep, cattle, wild game, springs and pastures - in other words, the `stock-in-trade' of hunters and herders. Bredekamp detailed attrition through legal and illegal barter as well as war, theft, and loss of land through treaties neither grasped by the Khoikhoi nor honoured by the Dutch. The fate of many was to become cheap labour for the conquerors. Bredekamp contributed to a still-small but growing pool of biographical work with an article about a Khoikhoi trader of this period, `Dorha alias Klaas'.³²

A penetrating study of Khoisan reaction to colonisation came from Shula Marks in an article on `Khoisan resistance' which appeared in the same year as Elphick's completed doctorate.³³ Marks acknowledged that the Khoisan did not oppose a `solid block of people' to European encroachment as the Bantu-speakers subsequently did, but challenged the stereotypical view of their weakness and lack of will. Faced with a powerful enemy, people (including the Khoisan) react in various ways: some resist, some collaborate, and some do both at different times. Many retreat

³¹ `Landscape of Conquest', p. 817.

³² Henry C. Bredekamp, Van Veeverskaffers tot Veewagters, 'n Historiese ondersoek na betrekkinge tussen die Khoikhoi en Europeers aan die Kaap, 1662-1679, Bellville: Die Wes Kaaplandse Instituut vir Historiese Navorsing [IHN/IHR], 1982; H.C. Bredekamp, `Die Lewe van 'n Khoikhoi-kaptein Dorha alias Klaas, 1669-1701', Kronos 4, 1981, pp. 10-23.

³³ `Khoisan Resistance to the Dutch in the Seventeenth and Eighteenth Centuries', Journal of African History [JAH], 13(1), 1972, pp. 55-80.

if they can.³⁴ Her depiction of 'fluid' relations between herders and hunters resembles Elphick's thesis (at no point does she refer to correspondence with him). Marks' focus on resistance continued beyond the periods covered by Elphick and Bredekamp, and reinterpreted the evidence respecting trekboer-Khoisan conflict in the eighteenth century in important ways.

Marks assembled evidence of century-long Khoisan defiance, raids, and wars against the Dutch livestock traders (and raiders), licensed butchers, seasonal graziers, and permanent settlers on their lands, culminating in the 'Bushman wars' which began in the 1770s and continued for some twenty-five years. Cattleless Khoikhoi (some of whom were former servants) were identified as 'Bosjesman-Hottentots', or simply as 'Bushmen' as the former distinctions became blurred. Dutch and Khoisan were 'in many ways ... more evenly matched' at the close of the Company period than at any other time. In Marks' view, it was 'the coming of the British, and their intervention in Cape affairs, which was to tilt the balance of power irreversibly in favour of the white man'³⁵ - an analysis with which other historians of the period have concurred.

In tandem with these explorations went a seachange in ways of looking at the evolution of ideas of race and class leading to the apartheid state. Shortly before the contributions mentioned above came seminal works by Martin Legassick, notably, his doctoral thesis about 'The Politics of a Frontier Zone' and a paper titled 'The frontier tradition in South African historiography'. Though neither was published for some time (and the first then only in abbreviated form), their arguments became

³⁴ In Ranger's view, each strategy is deserving of attention as an initiative shaping political history, see T.O. Ranger, 'African Reactions to the Imposition of Colonial Rule in East and Central Africa' in L.H. Gann & Peter Duignan eds, Colonialism in Africa 1870-1960, Cambridge: Cambridge University Press, 1969, 2 vols, see II (1914-1960), p. 304.

³⁵ 'Khoisan resistance', p. 79 & passim.

well known to academic historians. The thesis identified two dominant themes in nineteenth century South Africa, namely, absorption of 'non-whites ... into plural communities in a subordinate political status' and 'the integration of the peoples of South Africa into a market economy linked ultimately with the industrializing, capitalist economy of Europe'.³⁶ Saunders has pointed out how the latter of these themes, which he had not developed in the thesis, came to occupy Legassick's thought. His insights, in both the early and the later work, are regularly discussed by more recent historians of the Khoisan (see below). As these scholars bring fresh insights to bear on the dynamics of frontier zones, Legassick finds opportunities to explain and, in some measure, to recast his original ideas.³⁷

A growing body of literature concerns Christian missions to the Khoisan. The Moravian George Schmidt, who arrived at the Cape in 1737, was the harbinger of crucial interventions by Christian missionaries yet to come. His shortlived mission (he left in 1744) was crowned - but also wrecked - by several conversions among the Hessequa Khoikhoi.³⁸ The Moravians returned at the end

³⁶ Martin Chatfield Legassick, 'The Griqua, the Sotho-Tswana, and the Missionaries, 1780-1840: The Politics of a Frontier Zone', Ph.D. Dissertation, University of California, Los Angeles, 1969, pp. 2-3 & passim. The thesis forms the basis for his contribution to Shaping: The Northern Frontier to c.1840: The rise and decline of the Griqua people.

³⁷ Saunders, Making of the South African Past, pp. 172-76; Martin Legassick, 'The State, Racism and the Rise of Capitalism in the Nineteenth-Century Cape Colony', SAHJ 28, May 1993, pp. 329-68.

³⁸ Conversions, involving baptism, outside the Dutch Reformed Church were banned at the Cape. Baptism of indigenes within the Dutch church was rare, the most famous example being Krotoa who was baptised 'Eva' by the van Riebeecks in 1662, shortly before they left. The Dutch clergyman, Petrus Kalden, took a Khoikhoi to the Netherlands in 1708, who was baptised and named Fredrik Adolf while there. For Schmidt's converts, see H.C. Bredekamp, 'Vehettge Tikkuie, Alias Moeder Lena van Genadendal, 1739-1800', Quarterly Bulletin of the South African Library [QBSAL], 41(4), June 1987, pp. 134-41; 'Die Verhouding tussen Africo Christian en George Schmidt, 1737-1743', Historia, 33(1), May 1988, pp. 1-18. See also H.C. Bredekamp and J.L. Hattingh

of 1792, and the London Missionary Society began a mission to the Cape in 1799. An attempt to explain Khoisan experience of LMS evangelisation, and thereby add 'to the self-understanding of the Coloured people', came with Jane Sales' Mission Stations and the Coloured Communities of the Eastern Cape, published in 1975. Sales aimed 'to build up a picture of the development of the Coloured community from within' and to record responses to the Christian message and mission instruction in literacy and technical skills during the first half of the nineteenth century. In a valuable analysis of trends during the transitional period (bridging Dutch and British rule), William Freund concludes: '[T]he expanding mission movement, which would dramatically affect the culture and society of brown and black peoples at the Cape, was perhaps the most striking new social phenomenon of the period, and the one with the greatest long-range significance.'³⁹

In the same chapter, Freund sketched a theory of the rationale (which altered over time) behind the recruitment of 'Bastards' and Khoisan into a military unit, distinct from the burgher commandos. Formed in the Company's final years, the Cape ('Hottentot') Corps was retained as 'a special feature of the government's policy towards masters and servants' - firstly, by the British, as a 'counterweight to the suspect freeburgher population' and then by the British and Batavians 'for use not against rebellious whites but against Khoikhoi and Xhosa as well as potential foreign foes'.⁴⁰ Analysis of this kind is missing in two studies of the Khoisan regiment, by G. Tylden and J. de

eds, Dagboek en Briewe van George Schmidt, Eerste Sendeling in Suid-Afrika (1737-1744), Bellville: IHN/IHR, 1981.

³⁹ 'The Cape under the transitional governments, 1795-1814', p. 357; Jane Sales, Mission Stations and the Coloured Communities of the Eastern Cape, 1800-1852, Cape Town: A.A. Balkema, 1975. The quotations are from the dust cover.

⁴⁰ Freund, 'The Cape under the transitional governments', p. 337. The unit is treated at greater length by Richard Elphick and V.C. Malherbe, 'The Khoisan to 1828', pp. 35-38.

Villiers, which nevertheless are valuable for their careful assembling of detail.⁴¹

Both developments - the establishment of missions and retention of the regiment - gained impetus from the rebellion which engrossed the eastern Cape for four full years, from 1799 until 1803. This central event in Khoisan history was a revolt of former herders whose independence had been lost within the living memory of many who took up arms. Newton-King's investigation of rebel origins points to the Khoikhoi and Gonaqua (mixed Khoikhoi and Xhosa), with San hunters present in the Sneeuwberg and elsewhere but not identifiable as such among the rebel bands.⁴² The copious records of this conflict in which they allied with Xhosa against the colonists (the 'third frontier war') afford a resource for reconstructing the life experiences of the eastern Khoisan. The post-rebellion period was tense with real and imagined threats of renewed unrest. Disaffected Khoisan inside the colony formed bandit groups and some remained among the Xhosa, stoking fears that an offensive alliance might be resumed.⁴³

⁴¹ G. Tylden, 'The Cape Coloured Regular Regiments, 1793 to 1870', Africana Notes and News [ANN], 7(2), March 1950; Johannes de Villiers, 'Hottentot-regimente aan die Kaap, 1781-1806', M.A. dissertation, University of Stellenbosch, 1969. De Villiers' doctorate carries the account beyond 1806: J. de Villiers, Die Cape Regiment, 1806-1817. 'n Koloniale Regiment in Britse Diens, Pretoria: Archives Yearbook for South African History [AYB], 1989. For this later period, see also Lennon William Swart, 'Some Aspects of the History of the Cape Regiment, 1806-1817', B.A. (Hons) Dissertation, University of Cape Town, 1978.

⁴² Susan Newton-King, 'The Rebellion of the Khoi in Graaff-Reinet: 1799 to 1803' & V.C. Malherbe, 'The Khoi Captains in the Third Frontier War' in Susan Newton-King and V.C. Malherbe, The Khoikhoi Rebellion in the Eastern Cape (1799-1803), University of Cape Town: Centre for African Studies, Communications No. 5/1981, Introduction, pp. 1-11 & passim.

⁴³ V.C. Malherbe, 'David Stuurman: "Last Chief of the Hottentots"', African Studies 39(1), 1980, pp. 47-64; V.C. Malherbe, 'Hermanus and his Sons: Khoi Bandits and Conspirators in the Post-rebellion Period (1803-1818)', African Studies, 41(2), 1982, pp. 189-202.

My master's thesis looked at Khoikhoi labour in the districts of Graaff-Reinet and Uitenhage in the period immediately prior to Governor Caledon's proclamation of 1 November 1809 (the 'Hottentot Code'). Chapter 1 sketched the legal background and showed that, after 1795, measures multiplied to curb free movement but also to protect workers by means of contracts which specified the agreed wage and term of hire. Later chapters show that small numbers of Khoisan were employed for off-farm work by colonists engaged in trade or charged with an official task, such as delivering mail. Many served a stint in the Cape Regiment. Still, farms were the base for families left behind, and for the off-farm worker too, once the tour of duty had expired. This remained true for all but those admitted to Bethelsdorp, the London Missionary Society station established under Dr. J. T. van der Kemp in 1803 and the only station in the eastern districts at the time.⁴⁴

The dissertation was concerned to assess opportunities in terms of the diversification and mobility of Khoisan labour. In sum:

The first decade ... was ... a high point as regards diversification of Khoikhoi occupations. Traditional skills were still everywhere in demand while a deliberate policy of introducing new skills was found not only at Bethelsdorp but also in the augmented Cape Corps. The picture with regard to mobility was less promising ... Economic growth was at a low ebb in the eastern districts. The demographic position was also unfavourable: the demand for Khoikhoi labour to perform menial tasks was apparently insatiable while the ratio of the dominant to the subservient class meant that at no stage were there insufficient of the former to fill intermediate posts, that might pave the way for promotion ... public policy ... [was also of little benefit, in part due to] the gulf between profession and practice resulting from contradictory goals.⁴⁵

⁴⁴ Vertrees Canby Malherbe, 'Diversification and Mobility of Khoikhoi Labour in the Eastern Districts of the Cape Colony Immediately Prior to the Labour Law of 1 November 1809', M.A. Dissertation, University of Cape Town, 1978. The Moravian stations, Genadendal and Groene Kloof (later Mamre, established in 1808), were both in the Western Cape.

⁴⁵ Malherbe, 'Diversification and Mobility of Khoikhoi Labour', pp. 197-98.

In 1809 the Bethelsdorp missionaries opined, 'A slave and a drudge to a farmer, is the highest pitch of eminence to which a Hottentot has ever been suffered to arise'.⁴⁶

New groupings of Khoisan or part-Khoisan origin who dispersed beyond the northern boundary of the Cape (a process which had gathered force in the eighteenth century) achieved the status of mini-states in the nineteenth century. The government could not ignore the fact that these communities were linked with the colonial economy, were armed and possibly a threat to peace, and were a magnet to refugees - those charged with crimes, those whom the colonists oppressed. It sought to keep informed and influence events through agents, a system in which some missionaries became enmeshed through their involvement with Bastards (later, 'Griquas'), Oorlams, Bergenaars, Korana, and so on.⁴⁷

New work

Doctoral dissertations completed in the 1990s by Andrew Bank, Clifton Crais, Elizabeth Elbourne, Susan Newton-King and Nigel Penn, and master's theses by Craig Iannini and Russell Viljoen, have enriched Khoisan studies and broadened understandings of

⁴⁶ Annual Report, Bethelsdorp, 1809, Transactions of the [London] Missionary Society, 1795-1832, III, p. 289.

⁴⁷ See Legassick (n. 36 above); Robert Ross, Adam Kok's Griquas. A Study in the Development of Stratification in South Africa, Cambridge University Press, 1976; Teresa Strauss, War Along the Orange: The Korana and the Northern Border Wars of 1868-9 and 1878-9, Centre for African Studies, University of Cape Town, Communications 1/1979; Alvin Kienetz, 'The Key Role of the Orlam [sic] Migrations in the Early Europeanization of South-west Africa (Namibia)', The International Journal of African Historical Studies, 10(4), 1977, pp. 553-72; Johannes du Bruyn, 'The Oorlams Afrikaners: from dependence to dominance, c.1760-1823', unpubl. typescript, University of South Africa [UNISA], 1981; Tilman Dederling, 'Southern Namibia c.1780-c.1840: Khoikhoi, Missionaries and the Advancing Frontier', Ph.D. Dissertation, University of Cape Town, Aug. 1989.

societal change in the Cape Colony, before and during the period with which the present study is concerned.⁴⁸

In a thesis which spans more than a century (1700-c.1815), Penn's central question is: 'What happened to the Khoisan societies of the Cape?' He seeks an explanation on the northern frontier, an area neglected as he contends since the appearance of three books by P. J. van der Merwe and the contemporaneous work of Marais, several decades ago. To this project he brings a focus on 'the principal productive activity of the frontier zone - pastoral production - and the most important political and military institution ... the commando'. Penn is one of many historians who acknowledge the inspiration found in Legassick's writings which, extensive though they were, left openings for further exploration of colonial expansion and its impact on Khoikhoi and San. A number of his important findings have been published and need not be detailed here.⁴⁹

⁴⁸ Bank, 'Liberals and their Enemies'; Clifton C. Crais, 'White Supremacy and Black Resistance in Pre-Industrial South Africa' (published as The Making of the Colonial Order: White Supremacy and Black Resistance in the Eastern Cape, 1770-1865, Johannesburg: Witwatersrand University Press, 1992); Elizabeth Elbourne, '"To Colonize the Mind": Evangelical Missionaries in Britain and the Eastern Cape, 1790-1837', Ph.D. Dissertation, University of London, 1991; Susan Newton-King, 'The Enemy Within, The struggle for ascendancy on the Cape Eastern frontier 1760-1799', Ph.D. Dissertation, School of Oriental and African Studies: University of London, 1992; Nigel Garth Penn, 'The Northern Cape Frontier Zone, 1700-c.1815', Ph.D. Dissertation, University of Cape Town, Jan. 1995; Craig Iannini, 'Contracted Chattel: Indentured and Apprenticed Labor in Cape Town, c.1808-1840', M.A. Dissertation, University of Cape Town, August 1995; Russell Stafford Viljoen, 'Khoisan Labour Relations in the Overberg Districts During the Latter Half of the 18th Century, c. 1755-1785', M.A. Dissertation, University of the Western Cape, April 1993.

⁴⁹ 'The Northern Cape Frontier Zone', pp. i, viii, 12-19. For published articles, see e.g. N.G. Penn, 'Pastoralists and Pastoralism in the Northern Cape Frontier Zone during the Eighteenth Century', in M. Hall & A.B. Smith eds, Prehistoric Pastoralism in Southern Africa: The S.A. Archaeological Society Goodwin Series 5, June 1986; 'Estienne Barbier: An Eighteenth Century Cape Social Bandit?', Social Dynamics 14(1), June 1988; 'Labour, land and livestock in the Western Cape during the

Viljoen addressed labour relations in the Overberg during the latter half of the eighteenth century. He found that indenture and the pass system 'formed the core labour policies directed at the Khoisan'. Characteristically, indentured workers only qualified for wages 'once their period of indenture had expired'.⁵⁰ He sees the smallpox epidemics of 1755 and 1767 as major factors in the disintegration of traditional communities: Even if large numbers did not perish, it was a serious matter if the leaders died. Progressively, surviving captains came under the control of local officials who forced them to 'supply neighbouring farms with cheap labour'. In general the Khoisan viewed landdrosts as the 'legal agents of the settlers': Any who appeared sympathetic to them was likely to be dubbed a 'Hottentots Landdrost' by resentful farmers. The Moravian missionaries at Baviaanskloof supported the Khoisan in opposing the extreme demands for labour controls by burgher rebels at Swellendam in 1795.⁵¹ The thesis is useful to this study in making clear certain trends affecting labour, traditional leaders, relations with local government, and the new factor of a missionary presence which continued in the nineteenth century on the eastern frontier.

Newton-King focused on the eastern frontier from 1760 to 1799. She undertook to explain 'the widespread resort to violence by the farmers of the interior' in their dealings with the Khoisan. Because of the precarious and, in the main, poor economic position of the veeboeren 'the long-term social costs of a forced labour policy were ignored in favour of the short-term gains of a system of social relations born of warfare and held in place

eighteenth century: the Khoisan and the Colonists', in W.G. James & M. Simons eds, The Angry Divide: Social and Economic History of the Western Cape, Cape Town: David Philip, 1989.

⁵⁰ Viljoen, 'Khoisan Labour Relations', pp. 97, 184.

⁵¹ Viljoen, 'Khoisan Labour Relations', pp. 28-41, 65, 165-66, 233-35.



Captain Benedict Plauton

ALSO KNOWN AS "RUITER BEEJE", WITH HIS
STAFF OF OFFICE - H. J. KLEIN (ATTRIB.)
CAPE TOWN CITY COUNCIL 89-247U.

List of Adult & Infant Baptisms at Bethelsdorp

No.	Name	Age	Where baptised	When	By
				1800	
1.	Sara Kloete	30	Keiskammarivier	15 Oct	V.d.Kemp

				1801	
2.	Helena Faber	22	Quakoerivier	15 Feb	do
3.	Kaatje	45	Haerenfontein	17 Apr	do
4.	Cupido Kakkerlak	40	Zondagsrivier	30 Dec	do

				1802	
5.	Samson Tidor	42	Algoa Baay	6 Mar	do
6.	Griet Kassare(?)	30	do	6 Mar	do
7.	Jochem Vogel	24	do	8 Mar	do
8.	Maria Hector	30	do	26(?)Mar	do
9.	Lena Francis	36	do	30(?)Mar	do
10.	Willem Booy	20	do	8 Apr	do
11.	Jan Stoffels	36	do	14(?)Apr	do
12.	Fytje Ruiter	24	do	? Apr	do
13.	Anna Vigilant	50	do	11 May	do
14.	Sara Schepers	24	do	11 May	do

			Bethelsdorp	1803	
15.	Andries Platjes	40	In de fontein	20 July	do
16.	Elizabeth Valentyn	16	do		
17.	Doortje Rudolf	16	do		
18.	Jan Valentyn	45	do		
19.	Hendrik Boezak	45	do		
20.	Willem Jantjes	30	do		
21.	Frederik Schepers	40	do		

(Cape Archives, A 559(4))



by violence', she concluded.⁵² Formulations by Legassick and Hermann Giliomee of the ('open') frontier as 'a place of relative freedom and opportunity for people of colour' take too little heed of the fact of 'unrelenting ... harshness' in master-servant relations, while Robert Ross's theory of the differential treatment of Khoisan, depending on their economic status at the time of their incorporation, holds good for 'the initial responses' only, in her view. Though early exponents of the crucial role of the frontier mentality in shaping social relations (pre-eminently, MacCrone) erred in significant ways, she believes they were correct insofar as they understood that 'the animus' of conflict in the Cape's interior 'imbued all relations between Boer and Khoisan with an explosive tension'.⁵³

Newton-King is helpful in the careful consideration she brings to the enigmas respecting 'boundaries between the two lifeways' of herders and hunters, and to the meanings inscribed in the names Hottentot/Khoikhoi and Bushman/San. The historical record is by and large unclear but, she believes, these categories 'do have heuristic value and should not be abandoned or conflated'. She notes:

The dominant colonial image of the Bushman was that of an inveterate and irredeemable stockthief. It was this alleged bent for robbery, rather than any ethnic characteristic, or the presence or absence of livestock among them, that distinguished Bushmen from 'good aborigines or Hottentots' who 'used the grassveld in a tolerable or industrious way'.⁵⁴

⁵² Newton-King, 'The Enemy Within', see Abstract and p. 50. Finding that few graziers were as prone to wandering as hitherto represented, Newton-King prefers veeboer to trekboer, p. 45.

⁵³ 'The Enemy Within', pp. 70-82. See also Ross, Beyond the Pale, especially the Introduction & Chapter 3.

⁵⁴ 'The Enemy Within', pp. 116, 119-20. Robert J. Gordon argues that the explanation of the term 'Bushman' (bossiesman) with 'the most credibility' is that where it is 'glossed as "bandit" or "outlaw"', a meaning thought to be shared by 'San', The Bushman Myth, The Making of a Namibian Underclass, Boulder: Westview Press, 1992, p. 6.

A third area of exploration by Newton-King which contributes usefully to this study concerns the economic forces which shaped Boer behaviour. By means of 'micro-analysis' (that is, a focus on 'the articulation between the individual household and the Cape Town market') she found that around 40 per cent of households were 'barely able to make ends meet' and the balance, bar a tiny prosperous elite, possessed very modest estates. The immense problems they faced due to distance and the VOC's restrictive mercantilist policies 'did not prevent interaction with the market... [but] compounded the difficulties of surviving within it'. In these circumstances they preferred 'unregistered land occupancy' and 'informal solutions to their problems of labour supply'. On the other hand, critics who feared that frontier colonists, from their appearance of poverty and degradation, would slip to the extent of merging with the 'heathen' (exemplified by 'Hottentots') were proven wrong. In their own eyes, Newton-King explains, they were set apart from those who were ineligible for burgher rights, who 'would remain forever outside the moral community, no matter how alike to the observer'.⁵⁵

In her doctoral thesis concerning evangelical missionaries in Britain and the eastern Cape, Elbourne 'tries to reinterpret politics by taking theology seriously': The study 'aims to portray Christianity as a language which permeated the politics, economic ideas and racial ideology of Khoisan converts, British administrators, Dutch settlers and evangelical missionaries alike'. Her approach stems from a concern with the historiography where British missionaries are characterised as agents 'of western capitalism and cultural imperialism'. It is ahistorical to call Van der Kemp a liberal, his views having been informed by 'theological beliefs'. Tracing the evolution of a missionary culture, she states that second generation evangelicals, such as John Philip, elaborated 'a more complicated rhetoric of necessary

⁵⁵ 'The Enemy Within', pp. 292, 295, 300-10, 331, 342, 355, 389. For reference to the 'moral community', see Bank, below.

linkage between Christianity and civilisation' which drew on notions of 'social utility':

... the British missionaries of the later period almost, but not quite, spoke the administrative language of social order and morality through work. The crucial difference was that the former emphasized the urgent necessity of labour mobility; hence the lauding of "free labour" by later Khoi spokespeople.

For their part, the Khoisan used the missions and the Christian message for their own ends in political and economic terms - an argument against a verdict of 'selling out' by taking the acculturation route. In a paper presented at a conference about Christianity in South Africa ('People, Power and Culture'), Elbourne elaborated Khoisan agency in the ways 'individuals "used" mission stations and mission Christianity'.⁵⁶

Bank and Crais examine the creation of a racial order in South Africa, and agree that the discourse of racial stereotyping which characterised the pre-nineteenth century period was superseded by a harsher form of racism from the 1830s. Crais developed a Memmi-inspired theme, namely 'the ways in which "colonialism creates both the colonizer and the colonized"'. Having grasped that '[d]irect applications of power held the possibility for even more protracted forms of resistance' by Khoikhoi than that of 1799-1803, the British acted to replace old systems with controls grounded instead in a 'hegemonic notion of the "rule of law"'. Crais examined the response of Khoisan able to experience 'the taste of freedom other men eat so sweet'.⁵⁷

Bank focused more narrowly but deeply on the evolution of liberalism and of 'racial ideology'. The distinctions Elbourne

⁵⁶ Elbourne, 'To Colonize the Mind', pp. 1, 7, 11-19, 92, 152, 242, 243, 264-65; 'Early Khoisan Uses of Mission Christianity', *Kronos*, 19, Nov. 1992, p. 27. See also V.C. Malherbe, 'The Life and Times of Cupido Kakkerlak', *JAH*, 20(3), 1979, pp. 365-78. The conference was held at the University of the Western Cape, 12-15 August 1992.

⁵⁷ Crais, The Making of the Colonial Order, pp. 2, 58, 59, Chap. 4 passim; Albert Memmi, The Colonizer and the Colonized, Boston: Beacon Press, 1965, passim.

made regarding the ethos of a Philip and a Van der Kemp were extended by Bank to differentiate the liberal Philip from the later liberal governor, George Grey:

For humanitarian liberals like John Philip, slaves and indigenous peoples were constrained by oppressive systems of colonial rule; for utilitarian liberals like George Grey and James Mill, indigenes were constrained by the backward nature of their own societies.

Agreeing broadly with Newton-King he yet questions whether the the Khoisan can be said in sweeping terms to have been excluded from the 'moral community' of burghers.⁵⁸ These few points must for the present serve to indicate the relevance of recent work by Bank and Crais. Their concerns - with the ideological links between the Cape Colony and the metropole, with representation and identity, and much more - are illuminating for this study in ways which will be alluded to later on.

A long-awaited synthesis of the great wealth of published and unpublished (recent) academic work - particularly that pertaining to the nineteenth century - arrived with Timothy Keegan's book, Colonial South Africa and the Origins of the Racial Order. Offered as a 'spur to further thinking and ... research', it aids and also encourages that project: 'In the intellectual cauldron of contemporary South Africa, reconstructing our understandings of the past is a crucial and contested task.'⁵⁹

⁵⁸ 'Liberals and their Enemies', pp. 22, 54.

⁵⁹ Timothy Keegan, Colonial South Africa and the Origins of the Racial Order, London: Leicester University Press, 1996, p. viii.

Representations of the Khoisan

`I ... [r]ecall Miss Sophie Hart's deep voice saying in English Lit: "Young ladies, all civilization is making order out of chaos" ... Chaos is complete and I'm a Hottentot.'⁶⁰

A thread connecting the fifteenth with the nineteenth century is the poor image of the Khoisan in European eyes. An anthropologist observes that `In a very real sense ... [travellers to the Cape] invented their own Hottentots before they saw them'.⁶¹ Marks made an early contribution to a body of research concerned with understanding how writers and artists, laying claim to first-hand knowledge of inhabitants of distant worlds, disseminated texts which moulded attitudes in metropolises and, ultimately, justified the conquest of aborigines. In `"Bold, Thievish, and Not to be Trusted": Racial Stereotypes in South Africa in Historical Perspective', she explored this process with regard to the Khoisan, quoting comments by mariners and the first settlers at the Cape. Marks found common ground with earlier explorations of race attitudes by historians Legassick and Freund. She also anticipated newer work by cultural historians and scholars in other disciplines employing literary techniques to analyse the production and reading of texts.⁶²

J. M. Coetzee has written provocatively of what he calls `the Discourse of the Cape' as it concerned early impressions of

⁶⁰ American writer Nardi Reeder Campion on a series of mishaps, fortuitous and self-inflicted, in her college quarterly (Wellesley Magazine).

⁶¹ Robert J. Gordon, `The Venal Hottentot Venus and the Great Chain of Being', African Studies 51(2), 1992, p. 187.

⁶² Shula Marks, `"Bold, Thievish, and Not to be Trusted": Racial Stereotypes in South Africa in Historical Perspective', History Today, 31, Aug. 1981, pp. 15-21. Legassick and Freund are cited in her n. 25. An early study of representation is: Doreen C. Phillipus, `The Image of the Khoikhoi in South African Historiography', B.A. (Hons) Dissertation, University of Cape Town, 1978. See also: Andrew B. Smith, `The Hotnot Syndrome: Myth-making in South African School Textbooks', Social Dynamics, 9(2), 1983, pp. 37-49; Elphick, Khoikhoi, p. xv.

'Hottentots'. He found the 'idleness' of the Khoisan central to European accounts and asked why critics, steeped in images of Eden, failed to ask 'whether the life of the Hottentots may not be a version of life before the Fall'; why did they not consider that 'the Hottentot may be Adam' - that his way of life might not, in fact, 'be the mere outward aspect of a profound Hottentot contemplative life' or model for escape from 'the cares of civilization'?⁶³ Critics have questioned this analysis (which proceeds to a comparison with 'idleness' among the Boers). They submit that the material in the sources is more 'subtle (and insidious)' than Coetzee has allowed, citing reporters such as Peter Kolben in this regard.⁶⁴ It might also be asked how Coetzee's intriguing thesis would be affected were he to take into account not only 'Adam' but 'Eve': At least two of the sources which he cites describe active women, in contrast to the 'idle' men.⁶⁵

During the eight-year-long 'first' British occupation, the Dutch burghers (as noted by Coetzee) were 'othered' in terms hardly less opprobrious than those applied to 'Hottentots'. Barrow, a government official, authoritatively condemned their 'sloth' as

⁶³ J.M. Coetzee, 'Idleness in South Africa', Social Dynamics, 8(1), June 1982, pp. 1-13. This article appears in J.M. Coetzee, White Writing. On the Culture of Letters in South Africa, Johannesburg: Radix/Yale University Press, 1988, Ch. 1.

⁶⁴ M. van Wyk Smith, 'Review Article: White Writing', English in Africa 17(2), Oct. 1990, pp. 91-103; Mary Louise Pratt, Imperial Eyes, Travel Writing and Transculturation, London: Routledge, 1992, pp. 41-49 & n. 10. Kolben's work is The Present State of the Cape of Good Hope: or, A Particular Account of the Several Nations of the Hottentots, London: W. Innes, 1731 (translated by Guy Medley from the German edition, published 1719).

⁶⁵ Coetzee, 'Idleness in South Africa', p. 3: See Valentijn and Damberger.

well as their cruel treatment of the Khoisan.⁶⁶ His Travels received attention in M. van Wyk Smith's three-hundred-year iconographic survey of depictions of the Khoisan. In its second edition Barrow's book included fine drawings by Samuel Daniell. Van Wyk Smith concluded that the text and illustrations served the occupying power's interests well by making plain the justice of a more enlightened (that is, British) rule. And yet, though 'sympathetic to the Khoi', the book's 'elegiac treatment of the Hottentots contributed significantly to a comforting image ... of ... a vanquished people', whose calls on a future government's benevolence would be few.⁶⁷

Despite this (ambiguously) positive sign in the representation of the Khoisan, their image reached a sort of nadir with the public exhibition of a 'perfect Specimen' of Khoisan female in Europe during the second British occupation (that is, before the Cape's formal cession to Britain in 1814). Saartje Baartman, popularly known as the 'Hottentot Venus', was taken to England

⁶⁶ Travels, passim. See also Baron A. van Pallandt, General Remarks on the Cape of Good Hope, Cape Town: Trustees of the South African Public Library, 1917 (first published c. June 1803). A study of travellers' accounts of colonies around the world would possibly reveal a pattern of low regard for the 'energy' not only of indigenes but also of colonists who have been absent from the metropole for very long.

⁶⁷ M. Van Wyk Smith, 'The Most Wretched of the Human Race': The Iconography of the Khoikhoi (Hottentots) 1500-1800', History and Anthropology, 5(3-4), 1992, pp. 285-330 (esp. 322, 327). See also: Mary Louise Pratt, 'Scratches on the Face of the Country; or, What Mr. Barrow Saw in the Land of the Bushmen', in Henry Louis Gates, Jr. ed., "Race," Writing, and Difference, Chicago: University of Chicago Press, 1986, pp. 138-62 (also N.G. Penn, 'Mapping the Cape: John Barrow and the First British Occupation of the Colony, 1795-1803', Pretexts 4(2), 1993); Bank, 'Liberals and their Enemies', Ch. 6: Images of "Savages" in Colonial Art, pp. 279-81. Bank describes Daniell as 'the first artist to spend some years at the Cape and compile a systematic portfolio of visual images of Africans', p. 279. His sketches and watercolours depict both landscape and indigenes in 'paradisaal' mode, a marked exception to what Van Wyk Smith calls the 'devastating solution' whereby Europeans described 'the terrain of the Cape ... as paradise, its inhabitants as brutes', 'White Writing', p. 93.

around 1810.⁶⁸ Her handler was assured of attracting a curious (and paying) crowd because of her atypical steatopygia.⁶⁹ Saartje Baartman died in Paris in 1815, where her body was dissected, and parts preserved, by the comparative anatomist Georges Cuvier. Science in the hands of Cuvier affirmed the aesthetic and moral repugnance which her figure, and alleged 'sensual' and 'brutal' nature, had already inspired.⁷⁰

The saga of the 'Hottentot Venus' has helped to sustain the 'bad press' which the Khoisan suffered at the levels of scientific discourse and of popular perception during several centuries of contact with Europeans. Recently it has unloosed an avalanche of comment by specialists concerned with 'meaning' and iconography in the construction of identities.⁷¹ Khoisan women, it may be

⁶⁸ An early account of Saartje Baartman is: Percival R. Kirby, 'The Hottentot Venus', ANN, 6(3), June 1949 & 11(5), Dec. 1954.

⁶⁹ With reference to Saartje Baartman, William J. Burchell tried to set the record straight, saying that, though commonest among 'Hottentots', it 'will not greatly mislead, if our idea of its frequency be formed by comparing it with the corpulency of individuals among European nations, Travels in the Interior of Southern Africa, London: The Batchworth Press, 1953 (facsimile of 1822 edition), I, p. 155, n. 1.

⁷⁰ Almost a century earlier another scientist, Linnaeus, had classified the Khoisan not as Homo sapiens but as Homo monstrosus monorchidi on the basis of current beliefs regarding male genitalia, Gordon, 'Venal Hottentot Venus', p. 188.

⁷¹ See: Stephen Jay Gould, 'The Hottentot Venus', Natural History, 91(10), Oct. 1982; Bernth Lindfors, 'Courting the Hottentot Venus', Africa, 40, 1985; Sander L. Gilman, 'Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth-Century Art, Medicine, and Literature', in Gates, "Race," Writing, and Difference, pp. 223-61; Van Wyk Smith, 'Most Wretched of the Human Race', p. 319; Anya Sophia Fitschen, 'Presences - Absences, Representations of Saartjie Baartman, the Hottentot Venus', B.A. (Hons) Dissertation, History of Art Department: University of the Witwatersrand, Jan. 1989; Gordon, 'Venal Hottentot Venus', pp. 185-201. Stephen Gray includes Baartman among Khoisan females cast as 'the Hottentot Eve' ('pastoral ambassadress, temptress, mediator and, ultimately, miscegenator') in South African literature, from the

NEWS

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NO ACTION FROM FRENCH AUTHORITIES

Call to return 'Venus' to SA

THE GRIQUA National Conference of SA is the latest organisation to call for the return of the remains of the "Hottentot Venus" Saartje Baartman. **MELANIE GOSLING** reports.

THE Griqua National Conference of South Africa has called on the French government to return the remains of a Hottentot woman who died in France last century, after being displayed in Europe as a freak.

The Griquas are the most recent group to throw their weight behind a movement, spearheaded by lawyer Mr Mansell Upham, to bring back the skeleton, genitals and brain of Saartje Baartman, a Hottentot (Khoi) woman from the Cape who died in France in 1816. Her remains, currently housed in the Musée de l'Homme in Paris, were on public display until last year.

In a letter sent to the French government this week, the Griquas called for Saartje — known in

Europe as the Hottentot Venus — to be returned to them for burial as they were the "guardians and custodians of continuous, uninterrupted and unbroken Cape Aboriginal Khoikhoi heritage".

In a strongly-worded letter, the conference said it was concerned that despite numerous calls to release Saartje Baartman's remains for burial, French authorities had taken no action to correct "this deplorable situation".

Conference secretary Mrs Katie Cloete said yesterday: "When I heard the story about Saartje Baartman, it made my blood boil.

"We are descendants of the Khoi who I think were the most ridiculed aboriginal people in the world. The French government should set things straight with us.

"Give her back to us so she can be properly buried. Give her back her dignity and her humanity."

Mr Upham said he had recently returned from Paris where he had tried unsuccessfully to discuss the issue with the museum authorities.

He had written to the museum, but got no response.

When he tried to arrange a meeting personally while in Paris, he was told the relevant staff were unavailable.

Precedent

"The French are not just going to let her go. She's part of their collection and if they give her back it will set a precedent. But she is not just an object like Cleopatra's needle. We are dealing with the post-mortem rights of a person who had an identity," Mr Upham said.

Mr Upham is descended from the Hottentot woman Eva, niece of Harry the Strandloper.

Saartje Baartman, born in 1789 in the Eastern Cape, was apparently in the employ of Hendrik and Pieter Cesar in Cape Town when she was persuaded in 1810 to travel to England by a ship's surgeon, Alexander Dunlop, who told her she could make a fortune exhibiting herself.

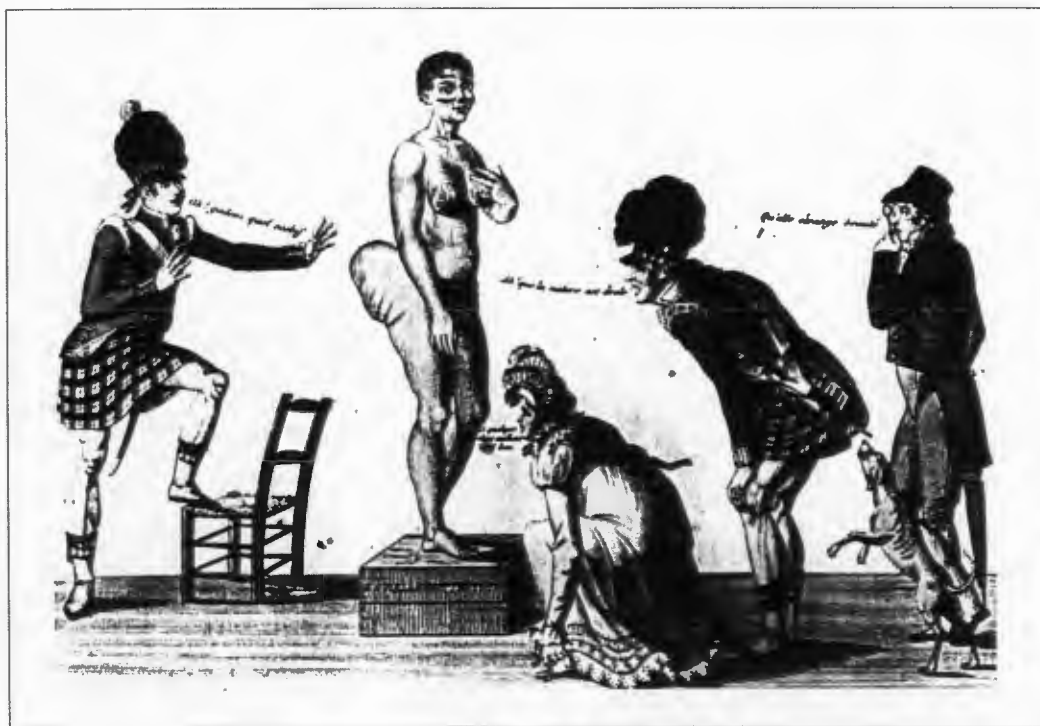
In England she was dubbed the Hottentot Venus and her main attraction was the enormous size of her buttocks. Another curiosity to Europeans were her genitals, which had elongated labia known then as the Hottentot's apron.

Historian Percival Kirby found records describing Saartje being exhibited in London "on a stage two feet high, along which she was led by her keeper and exhibited like a wild beast, being obliged to walk, stand or sit as he ordered".

She died in Paris in 1816 of an "inflammatory and eruptive sickness", having been abandoned to a "showman of wild animals".



DEATH MASK: A cast of Saartje Baartman made by Frederic Cuvier after her death in Paris in 1816. It is currently in the Musée de l'Homme in Paris, which also houses her remains.



THE "HOTTENTOT VENUS"

CARICATURED:

SARTJE BAARTMAN 'ON

SHOW' IN EUROPE

FRENCH ENGRAVING, MUSEUM AFRICA AM 55/543

said, have been both better and worse served by art than by the written word. Artists have 'seen' them where writers have not but their productions - inspired in the first place by fascination with 'the other' - use women more commonly than men to represent the (perceived) degradation of the Khoisan people. Some of the issues referred to above are explored in my contribution to The Cape Herders where 'negative stereotypes' of the Khoikhoi as 'robbers, vagrants, drunkards and a feckless class of servants needing firm control' are an important focus.⁷²

The Khoisan speak

Before 1828 the voices of the Khoisan are only seldom heard, and then are offered as recorded speech by not-disinterested intermediaries. A number of these scraps are in the books and correspondence of the missionaries but officials and travellers also are a source.

The declamation by Klaas Stuurman in which he makes a case for land and independence is the strongest statement we possess, before the nineteenth century, of the Khoisan's sense of their experience and rights. It dates from April 1799 when British and Khoisan troops marched east to quell a frontier Boer revolt and Khoisan farm-servants seized the chance to desert:

Restore ... the country of which our fathers have been despoiled by the Dutch, and we have nothing more to ask We lived very contentedly ... before these Dutch plunderers molested us; and why should we not do so again, if left to ourselves? Has not the Groot Baas ... given plenty of grass-roots, and berries, and grasshoppers for our use; and, till the Dutch destroyed them, abundance of

17th century to the present, South African Literature, An Introduction, Cape Town: David Philip, 1979.

⁷² Emile Boonzaier, Candy Malherbe, Andy Smith and Penny Berens, The Cape Herders, A History of the Khoikhoi of Southern Africa, Cape Town: David Philip, 1996, p. 57.

wild animals to hunt? And will they not return and multiply when these destroyers are gone?⁷⁰

John Barrow, the amanuensis for this speech, vividly depicts the scene in which Stuurman and his followers met the British general Vandeleur and his troops, near Algoa Bay. The foregoing, which purports to be a direct quotation, was part of 'a long oration' which Barrow paraphrased in the main although, where a 'young Hottentot' had been wantonly shot, he allowed Stuurman to speak in order to explain how the rebel Khoisan had behaved:

This act ... among many others equally cruel, resolved us at once to collect a sufficient force to deprive the Boors of their arms, in which we have succeeded at every house which had fallen in our way. We have taken their superfluous clothing in lieu of wages due for our services, but we have stripped none, nor injured the persons of any, though ... we have yet a great deal of our blood to avenge.⁷¹

These words which condemn the frontier Dutch, state the grievances of an oppressed people firmly but with restraint, and convey an implicit trust in British empathy and justice are wholly consonant with the views of Barrow himself. Nevertheless, though the author's own predilections suffuse the text, the speech convinces as an expression of Stuurman's attitude and beliefs, as well as of the condition of the Khoisan whom he represented. Of Stuurman himself, other reporters confirm his character and qualities as leader,⁷² while the factors which

⁷⁰ John Barrow, Travels into the Interior of Southern Africa, London: T.Cadell & W.Davies, 1806, II, pp. 110-11. The Boer revolt is known as the Van Jaarsveld Rebellion.

⁷¹ Barrow, Travels, II, pp. 94-5.

⁷² See e.g. Van der Kemp's letters in Saxe Bannister, Humane Policy; or Justice to the Aborigines of New Settlements Essential to a Due Expenditure of British Money, and to the Best Interests of the Settlers; with Suggestions How to Civilise the Natives by an Improved Administration of Existing Means, London: Thomas & George Underwood, 1830, pp. cxxxv, cxxxvii, clv, also CA, BO 75, Van der Kemp-Dundas, 18/3/1802, pp. 27-29; W. Blommaert & J.A. Wiid eds, Die Joernaal van Dirk Gysbert van Reenen, 1803, Cape Town: Van Riebeeck Society, 1937, p. 83; W.B.E. Paravicini di Capelli (W.J. de Kock ed.), Reize in de Binnen-Landen van Zuid-Africa, Cape Town: Van Riebeeck Society, 1965, pp. 235-36, 240; Malherbe, 'Khoi Captains', p. 99 and passim.

induced the frontier Khoisan to rebel are too well documented to require further proof.

The sense of needing 'to avenge' themselves appears in the handful of reported utterances by Khoisan during the ensuing war. They enjoyed taunting their former masters:

One told a Boer that 'a commando of Hottentots and Bastards' was coming to 'see what has become of our great hearts'. A farmer threatened in his own home by a Khoi rebel was told: 'Strike me, Louw van der Merwe, strike me. I will have you and all the [?] soon in the stocks, and you shall pull off your trousers and sit naked on the ground'. Again ... some Boers were stopped by 'Boezak and Claas' who took two oxen, saying 'they would shoot them if they did not give up the ... oxen ... that they were English and that they had power to bind them hand and foot, and put them in a waggon and take them to the Bay'.⁷³

When Field Commandant Tjaart van der Walt was killed in battle in 1802, a Khoisan combatant is said to have jeered the leaderless Boers: 'See, there lies your power, on whom shall you now rely, we shall now easily take you, run but with the cattle, we shall take it soon again.'⁷⁴ The rebels also threatened and scorned Khoisan who were aloof from the struggle. 'Go but your way, we will murder all the Christians, and all of you', one is reported to have said to a servant remaining on a farm, while a mission convert who tried to avoid bloodshed was wounded after a rebel yelled, 'Look, there comes a peacemaker. Kill him. Shoot him'.⁷⁵ Though Khoisan languages were still spoken by some indigenes on the eastern frontier, it is probable that these utterances were in the Dutch which most of the rebels would have used, translated for the benefit of the British government of the Cape and an English-speaking audience overseas.

⁷³ Malherbe, 'Khoi Captains', p. 90.

⁷⁴ CA, BO 66, W.Nortman-Governor, 15/8/1802, pp. 90-91.

⁷⁵ CA, BO 69, Report by Nine Camdeboo Boers-Dundas, 21/11/1801, p. 614; ZL 1/3/2, Box 2, Folder 1B, Yearly Account of J.T. Vanderkemp and James Read for the Year 1802.

In their reportage of Khoisan speech, the missionaries tended to select the sermons and aphorisms which showed the Khoisan's understanding of Christian doctrine and the strength of feeling which conversion aroused. The great elephant hunter Hendrik Boezak (not the rebel captain) was an early convert of the LMS at Bethelsdorp and his picturesque style made him a favourite subject. In 1804 the missionaries reported that he had said 'he had got two hearts The one heart ... will do nothing but sing all kinds of Hottentot's and Boscheman's songs, and all that is bad; and the other heart strives to sing the praises of Christ'.⁷⁶ By 1813 he had left behind the days when two hearts warred for mastery and preached with confidence:

Before the missionaries came to us, we were as ignorant of every thing as you now are. I thought then I was the same as a beast; that when I died there would be an end of me; but after hearing them, I found I had a soul that must be happy or miserable for ever. Then I became afraid to die ... But when I heard of the Son of God having come into the world to die for sinners, all that fear went away⁷⁷

Cupido Kakkerlak too had the gift of finding allusions in the natural world familiar to his fellow Khoisan for the Christian message he wished to teach. As Campbell tells it,

Cupido illustrated the immortality of the soul by alluding to the serpent, who, by going between two branches of a bush which press against each other, strips himself once a year of his skin. 'When we find the skin', said he, 'we do not call it the serpent; no, it is only its skin: neither do we say the serpent is dead; no, for we know he is alive, and has only cast his skin.'⁷⁸

In an article cited above, Elbourne looked behind the reported actions and words of Khoisan converts in order to explore 'the complex relationships between religion and politics'. The widespread enthusiasm for Christian teaching and mission

⁷⁶ CA, ZL 1/3/2, Box 2, Folder 4E, Annual Report for Year 1804, Bethelsdorp (reported in The Evangelical Magazine, London, 1805, p. 610).

⁷⁷ John Campbell, Travels in South Africa, Cape Town: C. Struik (Pty.) Ltd., 1974 (reprint, 1815 edition), p. 130.

⁷⁸ Campbell, Travels in South Africa, pp. 283-84.

residence in the early nineteenth century occurred on 'the heels of the failure of resistance through political violence'. Khoisan who attached themselves to the missionaries found not only a safe refuge for families and property (meagre as it usually was) but 'a means to improve economic and social status'. The reported speech of the early 'native evangelists' reveals 'the problem of any culture relying on another for all its positive images and self-respect' - in brief, the imperative to denounce the culture which has been abandoned 'as a void'. Boezak's preachings exemplify this. The cost of 'using' mission Christianity to achieve transition to an alien culture was assuredly high, as Elbourne states. These speakers, she suggests, assessed the trauma of renunciation in terms of otherwise-elusive gains (material gains, as often as not).⁷⁹

Travellers with keen eyes and ears for the scientific and - very often, where aborigines were concerned - the esoteric or strange reported what the Khoisan had to say on a range of subjects foreign to a European audience: Cures for snakebite and arrow poisons, decoctions from local flora, rites of passage, myths and folklore, theories of cattle culture and minute observations of the habits and identity of livestock and game. As Miles has said, 'the travellers' sense of the normal' led them to focus on the abnormal, and the repellent, in societies which did not conform with the European model which was the ideal.⁸⁰ Visitors who were disposed to describe the Khoisan in friendly, if condescending, terms enjoyed recording their artlessness, and ignorance of everyday material objects and affairs. C. I. Latrobe reported a Genadendal Khoisan's surprise on being exposed to his camera obscura: 'Come and peep, Susan, Mynheer has brought the church, and all the trees, into his box'.⁸¹

⁷⁹ Elbourne, 'Early Khoisan Uses of Mission Christianity', esp. pp. 20, 26-27.

⁸⁰ Robert Miles, Racism, London: Routledge, 1989, p. 22.

⁸¹ Journal of a Visit to South Africa, Cape Town: Struik (Pty.) Ltd., 1969, p. 85.

An interesting example of Khoisan speech comes from the journals of Robert Jacob Gordon, commander of the Dutch garrison at the time of the British occupation in 1795. Most of the expressions attributed to the Khoisan in this discussion so far appear to come from Khoikhoi rather than from San but, on a trip to the interior in 1777, Gordon was told that after a punitive expedition against some Bushmen their chief, Koerikei, shouted from a cliff:

'What are you doing on my land? You have taken all the places where the eland and other game live. Why did you not stay where the sun goes down, where you first came from?' Van der Merwe asked why he did not live in peace as before ... and whether he did not have enough country as it was? He replied that he did not want to lose the country of his birth and that he would kill their herdsmen, and that he would chase them all away ... it would be seen who would win.⁸²

The editor makes the point that though Gordon's travel writings are extensive and immensely valuable they are unembellished by his personal feelings or views. Yet, in this case, he 'spontaneously puts the chieftain's words into direct speech, a mode of writing that Gordon rarely employs. The effect is to emphasize and dramatize the man's statement'.⁸³

This, it may be said, is the underlying purpose of other examples cited. The effect of doing so is seen to range from stereotyping a group through the prominence accorded a selected individual's words (the Genadendal Khoisan's naivete), to reflecting credit upon an entity other than the actual speaker (Boezak's sermon), to capturing in its most authentic-seeming form an essence which the intermediary thinks it is important to convey (Klaas Stuurman's plea).

The most striking examples of Khoisan speech are found in the period which lies ahead: The vagrancy legislation published in

⁸² Patrick Cullinan ed., Robert Jacob Gordon, 1743-1795, The Man and his Travels at the Cape, Cape Town: Struik, Winchester, 1992, p. 35.

⁸³ Robert Jacob Gordon, p. 35.

1834 would mobilise the 'Hottentots' to speak 'directly on the public stage for the first time in many years'.⁸⁴

⁸⁴ Elizabeth Elbourne, 'Freedom at Issue: Vagrancy Legislation and the Meaning of Freedom in Britain and the Cape Colony, 1799 to 1842', Slavery and Abolition, A Journal of Slave and Post-Slave Studies 15(2), Aug. 1994, p. 138.

2. The Present Study

Aims and objects

The Cape's hunter-gatherer and herder indigenes were enserfed, or on the way to being so, by the 1820s - a decade noted for attention to reform. If too much has been made of Ordinance 50 as the vehicle of Khoisan liberties,¹ one needs to explore not only its deficiencies but also the extent to which reforms not targeted specifically at the Khoisan relieved their disabilities. Measures to modernise the colony's administration, legal system, and economy were not driven by motives of efficiency alone but were inspired in some degree by sentiments we call humanitarian. Humanitarians embraced a package of concerns about the welfare of the stratum of society perceived as 'weak', 'defenceless', 'oppressed' - that is, the poor of Britain, and the slaves and conquered peoples of her colonies. This study will therefore deal with education and the promotion of literacy, with crime and punishment, the temperance movement, amelioration (leading to abolition) of slavery, and so forth in addition to provisions of the 50th ordinance pertaining to free labour and the right to private property in land.

The London Society and Moravian missions inevitably loom large in an account of early nineteenth century Khoisan. The first, which figured more prominently in the eastern districts, was a result of linkages between humanitarians and the evangelicalism arousing Britain's churches at the time. It was to be of crucial import for subordinate 'classes' at the Cape, where 'the humanitarians, speaking through the missionaries ... articulated the moral equality of all people'.² Humanitarianism was infused with religiosity and a conviction that Christianity was central to the efficacy of the liberties to be conferred. How well this

¹ See e.g. Jay Naidoo, 'Was the 50th Ordinance a Charter of Khoi Liberties?', in his Tracking Down Historical Myths, Johannesburg: Ad Donker, 1989, passim.

² Elphick and Giliomee, 'The origins and entrenchment of European dominance at the Cape, 1652-c.1840', in Shaping, p. 554.

was appreciated by some, at least, of the Khoisan is illustrated by a story which a missionary was gratified to relate: When Ordinance 50 slipped from the pages of a Kat River settler's Bible, the owner (who came from the Moravian station, Enon) explained that 'it is God's word that teaches us how to make a right use of our privileges; and therefore ought the Bible and the ordinance to be kept together'.³

This study aims to resurrect an epoch in our past which was significant for Khoisan interests, and which elicited a flurry of well-documented activism by the people themselves. An objective is to raise their visibility and so enrich our country's 'master narrative'. The experiences of 'Bushmen' and 'Hottentots' before and after Ordinance 50 of 1828 (to 1835) are central to this enterprise. Though representivity is the ideal, the sources throw a spotlight on two groups - the one defined by a connection with the missionaries, the other (not entirely separate from the first) by having brushed against the law. One works by inference, by and large, to reconstruct the circumstances of the many more prosaic lives than these.

Embedded in the first objective is a second. Whether acclaimed or seriously discounted, Ordinance 50 has great importance for our understanding of the zeitgeist of Cape society in the early nineteenth century. This chapter looks at some concerns which historians and others have brought to its analysis. My own project is to describe, as minutely as the records permit, its impact on the Khoisan men and women for whose betterment it was designed and to consider it in light of other trends and measures of the time. Reflections on these matters suggest some points of correspondence with contentious issues in our own day and age.

³ Stephen Kay, Travels and Researches in Caffraria, New York: Harper & Brothers, 1834, p. 401. See also Elizabeth Elbourne, 'A Question of Identity: Evangelical Culture and Khoisan Politics in the Early Nineteenth-Century Eastern Cape', in CSP 44, University of London: Institute of Commonwealth Studies, 1992, pp. 14-30.

Ordinance 50 of 1828: How its significance has been assessed

Elphick and Giliomee account for European dominance at the Cape in terms of 'legal status distinctions' which prevailed before the emancipation, first, of 'Hottentots and other free persons of colour' in 1828, and then, a decade later, of the slaves. This situation, as they argue in their summing up, had not 'emerged' as if by chance but was 'created by legal fiat of the Dutch East India Company': 'From the beginning this legal status system fostered a social structure in which race and class were closely correlated.' A racial order was thus 'largely in place by the end of the eighteenth century'.⁴

The two editors' analysis differs in certain respects from the explanations by contributors to their book. They rejected the revisionist's stance (which Freund and Legassick, elsewhere in their writings, represent) that has 'emphasized the role of post-1867 industrial capitalism and, by implication at least, deemphasized the formative influence of the pre-industrial period'. Likewise, while accepting certain of his points, they disputed the view of Ross that the 'key impulse to European supremacy came from the Cape's integration into the world economy during the first half of the nineteenth century'. They argued that 'the original Cape racial order' (the creation of which they had traced) has a firm place as 'one of the antecedents of the modern South African racial order'.⁵ Keegan endorsed this formulation when he summarised successive phases of racial

⁴ Elphick and Giliomee, 'The origins and entrenchment of European dominance', pp. 521-23, 554-55.

⁵ Elphick & Giliomee, 'The origins and entrenchment of European dominance', pp. 522-23, 549-50. For Ross's views, the authors refer to D. van Arkel, G.C. Quispel and R.J. Ross, 'De Wijngaard des Heeren? Een onderzoek naar de wortels van 'die blanke baasskap' in Zuid-Afrika, Leiden: Martinus Nijhoff, 1983, pp. 17-72. This publication in the Dutch language is translated and combined with other published work to form the first chapter of Ross's Beyond the Pale. In his introduction, Ross states that during the 17th and 'much of' the 18th centuries there is 'no evidence for a developed racial ideology', and that 'status was not ascribed on the basis of racial criteria', see p. 5.

domination at the Cape. But, he suggests: 'In a European-dominated world in which race came to permeate the social orders established by colonial regimes, it is superfluous to argue about the origins of the South African racial order.'⁶

The introduction of equality before the law by Ordinance 50 alarmed dominant whites who were distrustful of 'gelykstelling' even when political and economic levelling were not proposed - and were not a realistic threat.⁷ The present study accepts the following summation:

Even at the point where it was most willing to defy settler opinion - in the late 1820s and early 1830s - [the British government] was not prepared to undertake a reshaping of the society, above all in land ownership, a prerequisite to realising its ostensible goals expressed in Ordinance 50 of 1828. Noting the plight of the Cape's working force ... [it] put faith in the liberating capacity of free labour markets; observing that Khoisan were largely excluded from white society, it advocated assimilation through education and Christianisation. In the end neither markets nor missions accomplished the restructuring which only government could bring about.⁸

The thesis will flesh out the ways in which the Khoisan experienced Ordinance 50's aftermath - remembering that they, and those who (wisely or not) sought to promote their interests, lacked the benefit of insights which greater distance permits.

When Hodgson defined the 'problem' which Ordinance 50 was intended to correct as one of 'labour and administration', she referred to labour in terms of practices - the pass system, debt

⁶ Colonial South Africa, pp. 281. Keegan assigned place to 'the integration of the Cape into the British empire of free trade' and to the later steps to subsidise 'the labour costs of the industrial economy and the welfare costs of the industrial state' at the indigenous people's expense, pp. 281, 291.

⁷ Elphick and Giliomee, 'The origins and entrenchment of European dominance', pp. 554-55. Newton-King argues that frontier burghers in the late 18th century viewed steps to admit Khoisan to civil society and the Dutch Reformed Church on an equal basis as 'a complete inversion of the social order' and not simply as 'levelling', 'The Enemy Within', p. 390.

⁸ Elphick and Malherbe, 'The Khoisan to 1828', p. 53.

bondage - which tied servants to employers and kept wages low. For Newton-King, coerced labour is not a handful of oppressions which can be effaced by better written laws. Consistently, she has pointed out the links between economic exigencies (particularly for cheap tied labour) and the unremitting violence in master-servant relationships.⁹ The danger that 'coercion in labour relations' could cause the Khoisan workers to rebel was a worry for the government.¹⁰ One remedy was to remove punishment from the spheres of household and field cornet. Newton-King recast Ordinance 50 in economic terms by linking it with other measures to regulate the labour market and secure the interests of a dominant class of (white) farmers and entrepreneurs.¹¹

The ordinance's impact on the 'problem' of administration was investigated by L. C. Duly. He concluded that the enforcement of its various clauses was so weak that it largely failed as an instrument of positive change for Khoisan who remained on the farms.¹² The failure of government to match new freedoms with new

⁹ See S. Newton-King, 'Khoisan Resistance to Colonial Expansion, 1700-1828', in Trewhella Cameron and S.B. Spies eds, A New Illustrated History of South Africa, Cape Town & Johannesburg: Human and Rousseau, 1991 (second, revised edition), pp. 106-11; Newton-King, 'The Enemy Within', Chap. 6 and passim.

¹⁰ Newton-King, 'The labour market', pp. 196, 197-98. In this article she shifted the focus from details of wages, contracts and alleged vagrancy after the ordinance, to look anew at the considerations which prompted and shaped it.

¹¹ 'The labour market', passim. Ross and Keegan have disputed aspects of this argument but the latter proceeds to state that 'Ordinance 50 was not unrelated to issues of labour needs', Keegan, Colonial South Africa, pp. 104-05. See also Ross, 'The Origins of Capitalist Agriculture in the Cape Colony: A Survey', in William Beinart, Peter Delius and Stanley Trapido eds, Putting a Plough to the Ground, Accumulation and Dispossession in Rural South Africa, 1850-1930, Johannesburg: Ravan Press, 1986, p. 80 & n. 135. Ross retains this argument in his revised version in Beyond the Pale, p. 44 & n. 176.

¹² 'A Revisit with the Cape's Hottentot Ordinance of 1828' in M. Kooy ed., Studies in Economics and Economic History, London: Macmillan, 1972. Duly does not go so far as to claim that, due to weak administration, Ordinance 50 had 'no force what so ever', see Stanley Trapido, 'The Emergence of Liberalism and

opportunities (such as assisted access to land - 'an alternative means of sustenance for the Hottentot', to revert to Hodgson's words) was another serious flaw.¹³ Jay Naidoo's critique, 'Was the 50th Ordinance a Charter of Khoi Liberties?', elaborated these points and stressed that measures such as Ordinance 49 which reduced dependence on the Khoisan as a labour force meant in fact that the 'legal, economic and the political promise' of the ordinance 'never materialised'.¹⁴

Apart from concerns regarding Ordinance 50's efficacy in raising the civil and economic status of the Khoisan, historians have been interested in its implications for liberalism at the Cape. Considering the non-racial franchise put in place in 1853, Edgecombe states: 'The Cape liberal tradition evolved from Ordinance 50 of 1828 which extended civil liberty to "the Hottentots and other free persons of colour"'.¹⁵ Andrew Nash encompassed this, and much besides, in an impressively articulated account of John Philip's objectives and beliefs. When Philip sought 'the protection of equal laws' for 'Hottentots', his broader aim was 'a specific social structure' within which their improvement ('civilisation') could take place.¹⁶ Philip's campaign for equal rights met with (a measure of) success, Trapido believes, because it coincided with independent, liberal

the Making of "Hottentot Nationalism", 1815-1834', CSP, No. 42, University of London: Institute of Commonwealth Studies, 1992, p. 45. Duly's article was the first detailed study of the ordinance's 'aftermath' since Marais, CCP, Chap. 6.

¹³ Duly's points form the basis of brief discussions by Elphick and Malherbe, and Elphick and Giliomee, in Shaping, see pp. 49, 556.

¹⁴ Chap. 2, Tracking Down Historical Myths, p. 48.

¹⁵ D.R. Edgecombe, 'The non-racial franchise in Cape politics, 1853-1910', Kleio, 10(1 & 2), June 1978, p. 21.

¹⁶ Andrew Nash, 'Dr Philip, the "Spread of Civilisation" and Liberalism in South Africa', University of the Witwatersrand: Conference on the History of Opposition in Southern Africa, Jan. 1978, pp. 91-118.

journalists (Pringle, Fairbairn, Greig) and a vocal group of 'Hottentot Nationalists' (Andries Stoffel, James Read Jr).¹⁷

The decade of the emancipations (1828-1838) figures largely in Bank's study of the transition from humanitarian liberalism to a liberalism shorn of humanitarian concerns. Before the nineteenth century, racism at the Cape had the character of 'stereotype':

In this analysis of settler ideology at the Cape it will be argued that a dominant negative ethnography emerged among the burgher population during the Dutch colonial period based primarily on cultural and religious cleavages, that is, upon the perceived distinctions between Christian and heathen, and between civilised and savage.¹⁸

In theory, at least, the 'negative' factors could be reversed. The enactment of Ordinance 50 marked the zenith of humanitarian liberalism, and of an 'optimistic' vision on matters of 'race' which had flowered in the early British period. A harsher doctrine, of 'race as biology', began to gain ascendancy thereafter. Keegan has qualified the promise of humanitarian liberalism, pointing out that its 'rhetorical commitment to the legal formalities of equality and freedom was in sharp contrast to its fundamental compatibility with cultural imperialism, class domination and, ultimately, racial subjugation'.¹⁹

In some respects my project takes its cue from J. N. C. Marinowitz's unpublished thesis, 'Rural Production and Labour in the Western Cape, 1838 to 1888, with special reference to the wheat growing districts'.²⁰ Marinowitz begins with the freeing

¹⁷ Trapido, 'The Emergence of Liberalism', *passim*. On this point, Newton-King argues for acknowledging a more proactive Khoisan part in bringing about their own emancipation - attributed by and large to missionaries and humanitarian sympathisers in the past, 'The labour market', pp. 197-98.

¹⁸ 'Liberals and their Enemies', pp. 9-10, 37-38.

¹⁹ *Colonial South Africa*, p. 13; Bank, 'Liberals and their Enemies', *passim*.

²⁰ Ph.D. Dissertation, University of London: School of Oriental and African Studies, June 1985.

of the slaves (which he regards as the end of their four-year apprenticeship rather than the Act of Abolition which came into force at the Cape in 1834). Ordinance 50 was the comparable event in the history of the Khoisan. Both studies focus on regions of demographic concentration: freed slaves in the Western Cape, Khoisan with civil liberties affirmed on the eastern frontier. If pursued beyond 1835, the exploration of Khoisan experience in the nineteenth century would parallel and, at points, converge with Marincowitz's work.

Part II of my thesis investigates the condition of the Khoisan of the eastern districts prior to Ordinance 50. Chapter Three locates 'Bushmen' and 'Hottentots' in the Cape's economy and government. Chapter Four sets the scene for later chapters with respect to factors which, in their specificity, shaped the Khoisan's life choices and experiences up to 1828.

Part III concentrates on the impact of the 50th ordinance during the first year after its enactment. The three chapters forming Part IV carry the account to 1835 when the victory scored against the vagrancy law of 1834 was offset by the trauma of another frontier war. The concluding chapter (Part V) reflects upon the study as a whole and looks at issues relevant to Khoisan welfare and identity as the nineteenth century progressed.

II. THE CAPE KHOISAN BEFORE ORDINANCE 50 OF 1828

3. Government and Economy at the Cape of Good Hope

When governor Cradock conveyed instructions `to extend to all classes of persons "equal justice and equal protection"' of the law, in 1812, he expressed his sentiments as follows:

I am desirous to impress that it is not to the greater crimes I so much point your attention (for they but seldom occur, and they from the common sense of danger mostly afford their own remedy), as it is to the lesser description of offences, which from their obscurity and supposed insignificance, escape observation and punishment. To these I assiduously request your increasing vigilance and prevention.

It is the uncontrolled severity of the powerful over the weak, so difficult to describe; it is the nameless tyranny of the strong over the defenceless, and the thousand means that the spirit of oppression can employ and which I cannot recount, that fill me with more solicitude ...¹

These sensitive concerns read strangely when it is recalled that Cradock made the most oppressive of the laws applying to Khoisan - that of 23 April 1812 whereby children were indentured without regard for parents' wishes or control. A problem for this study is the meaning attached to notions of the rights and liberties of subjects in the early nineteenth century.

This chapter outlines aspects of the Cape's government and economy, and of the legal and institutional reforms which preceded Ordinance 50.

¹ C.W. Hutton ed., The Autobiography of the Late Sir Andries Stockenström, Cape Town: C. Struik, 1964, I, p. 76: Cradock's circular to landdrosts of the country districts, 20/4/1812.

The central government - and the Khoisan²

Prior to the cession of the Cape to Britain in 1814, the impulse towards 'substantial reforms' had given way to arrangements which reaffirmed 'the essentials of the Cape social structure as it had developed before 1795'. The colony remained 'predominantly Dutch both in character and institutions' until the 1820s. Major changes followed (or paralleled) the recommendations of the Commission of Inquiry appointed by Britain in 1822 to investigate and report upon administration and costs at the Cape (also Mauritius and Ceylon).³

Executive, legislative and certain judicial powers were vested in the governor. Before 1795 a Council of Policy had shared in his authority to some extent, having to approve the proclamations issued in his name.⁴ The Council was abolished by the British in 1795, and again in 1806 after its restoration during the Batavian interlude. The 1820 British settlers forced the home government to intervene to moderate the governor's autocratic powers. Among the intended reforms was a Council of Advice but, before addressing this, the Commissioners of Inquiry proposed that the colony be split with a lieutenant governor for the eastern sector where the unhappy settlers were located. Major-general Richard Bourke's appointment to this post coincided with governor Somerset's recall. For this reason and the unacceptable cost (as

² The system of government which evolved at the Cape of Good Hope from the time of Dutch settlement in 1652 has been sketched by G. W. Eybers in the introduction to his Select Constitutional Documents Illustrating South African History, 1795-1910, New York: Negro University Press, 1969 (first published 1918).

³ Freund, 'The Cape under the transitional governments', p. 351; Margaret E. Donaldson, 'The Council of Advice at the Cape of Good Hope, 1825-1834, A Study in Colonial Government', Ph.D. Dissertation, Rhodes University, 1974. Donaldson cites as pre-1820 reforms the freeing of internal trade, a labour code for 'Hottentots' (1809), the introduction of circuit courts and of court proceedings with open doors, perpetual quitrent and the appointment of a land inspector to facilitate claims, pp. 92-93.

⁴ Donaldson, 'Council of Advice', pp. 27-28.

it was found) of setting up a separate government, he ended by serving as acting governor of an undivided colony (1826-1828).

Meanwhile, prior to Bourke's arrival, the secretary for the colonies Earl Bathurst found cause to introduce a Council of Advice. This was a device for setting colonies on the path to representative government and required governors to confer with a small body of officials. The status of the councillors' 'advice' was not entirely clear. In practice, they could 'record their dissent' but could not block legislation which they did not approve. From May 1825, ordinances enacted by the Governor-in-Council effectively replaced legislation by proclamation - although the governor's authority remained intact and his right to issue proclamations was not altogether removed.⁵

This dispensation survived major changes in the judicial system which came into effect on 1 January 1828.⁶ As Peires has explained, the commissioners believed that the time was not ripe for reducing Britain's influence in colonies where there were slaves: 'Emphasis was therefore placed not so much on changes in the executive and legislative branches as on the reconstitution

⁵ Donaldson, 'Council of Advice', p. 17. Donaldson describes the confusion which surrounded the governor's ongoing right to issue proclamations without reference to the Council, pp. 79-82. The governor's executive powers were employed to intervene in the judicial branch, e.g., in the alteration of sentences imposed by district courts and the banishment of political offenders: RCC, 33, Evidence of Daniel Denyssen ... Fiscal, 15/8/1825, p. 246; CA, CO 212, Denyssen-Somerset, 14/9/1824; CO 214, No. 89, Truter-Somerset, 5/12/1824.

⁶ Two additional burghers were appointed to the Council in order 'to represent colonial interests and to compensate in part for the abolition of the Burgher Senate, a quasi-representative municipal body in Cape Town', Donaldson, 'Council of Advice', p. 64. The men appointed were Sir John Truter, who as chief justice had been a member all along until his retirement in 1828, and Andries Stockenstrom who simultaneously took up the post of Commissioner-general of the eastern districts (to show the government's concern for the complaints of residents there, at far less cost than a separate administration would entail).

of the judiciary.⁷ Thus while the governorship, the colonial office (which linked the governor with the district officials), and other institutions were by and large untouched, far-reaching changes in the legal system followed the (first) Charter of Justice issued in London in August 1827. The Fiscal was replaced by an Attorney-general and the Court of Justice by a Supreme Court. Judges were sent from Britain to launch the new system, based on English jurisprudence, and steer it on its proper course. Trial by jury was introduced and English became the language of the courts.⁸ The petit jurors of the country districts were men between 21 and 60 years of age who met certain property or tax requirements. Thus 'the people summoned to serve as jurors were from the very group who had formerly composed the courts of landdrost and heemraden and whose impartiality the commissioners had doubted' with respect to justice for the Khoisan and other servile groups.⁹

By 1828 the civil establishment operating out of Cape Town comprised a governor with still-minimally limited authority, a Council of Advice of up to six members (all of them officials at

⁷ Shaping, p. 496. The first British occupation had seen reforms in the system of justice, for example the banning of judicial torture, RCC, 1, Court of Justice-Craig, 14/1/1796, pp. 302-09.

⁸ For the meshing of the Roman Dutch and English legal systems, see Pamela Scully, 'Rape, Race, and Colonial Culture', American Historical Review, 2, April 1995, pp. 342-43. Practical problems regarding the exclusive use of English are discussed by Donaldson, 'Council of Advice', pp. 124-26. Trial by jury applied to criminal cases, and to civil where both parties asked for it.

⁹ Donaldson, 'Council of Advice', pp. 123-24. Cape Town had 'grand jurors'. 'Hottentots' and Bastards were to have been eligible for trial by jury but not Bushmen, slaves, Prize Negroes under indenture, or members of 'Frontier tribes' under contract in the colony, according to the commissioners, RCC, 33, Report of the Commissioners of Enquiry to Earl Bathurst upon Criminal Law and Jurisprudence, 18/8/1827, pp. 112-13. However, the Charter of Justice did not make provision for the proposed exceptions, Donaldson, ibid.

this point),¹⁰ a Colonial Office headed by the Colonial Secretary, a Supreme Court consisting of the Chief Justice and three junior (puisne) judges, an Attorney-general's office, and other bodies such as the Orphan Chamber, the Church Council, and the Loan (or Lombard) Bank. An important official from the point of view of the Khoisan was the Registrar and Guardian of Slaves: From 1816 an Inspector of the Slave Registry (as he at first was called) maintained a register, among other reasons to prevent free persons from 'merging into a state of slavery, or being confounded with the domestic or other slaves'.¹¹

Khoisan from far and wide knew Cape Town as the seat of government which ruled their lives. Numbers travelled there with farmers bringing goods for sale, or as runners for colonial mails, or as prisoners charged with serious crimes. Missionaries appealed to the authorities there on the Khoisan's behalf - for clemency, relief from coerced labour, and land. The Khoisan themselves approached the central government for protection from injury at the hands of colonists and local officials. In 1739 several Piketberg servants as well as independent captains of the Little Namaqua had gone to Cape Town to complain of the behaviour of farmers who cheated them (the servants) and attacked kraals.¹² In 1799, Klaas Stuurman laid rebel grievances before the commander of British forces on the eastern frontier in the hope of sympathetic intervention by a central government at loggerheads with its Boer subjects at that stage.

From 1811 the prospect of a fair hearing in situ in the outlying districts was improved by the despatch from Cape Town of circuit

¹⁰ The chief justice, colonial secretary, and second in command to the commander-in-chief (who was the governor) were council members by virtue of their office and three more were chosen from other office-holders.

¹¹ Proclamation of 26/4/1816. Landdrosts had to forward the information to Cape Town. The register was intended also to prevent the smuggling in of slaves from outside the colony.

¹² Penn, 'Labour, land and livestock', p. 8.

judges ('The Commission for administering Justice in the far distant Districts'). In 1812 the Commission of Circuit to Graaff-Reinet, Uitenhage, and George heard civil cases where the Khoisan complained against their masters, even if the sums involved were less than was legally required. This was done out of respect for 'the common law principle that poor and miserable persons may in general avail themselves of a privileged judicature'.¹³ (It is not clear to what extent later courts were animated by this principle.)

District governments - and the Khoisan

Where the district governments were concerned, the most important single measure prior to 1828 was the Batavian Instructien of 23 October 1805 for the governance of the Buitendistricten. Its 328 articles defined the duties and placed limits on the powers of landdrosts, district secretaries, auctioneers, field cornets, court messengers, and other officials.¹⁴ The landdrost, who was appointed, instructed, and paid by the central government, was the head of the police and served as president of the district board composed of four to six prominent burghers (heemraden). He administered district finances, received taxes, and chaired the committee handling property and population returns. Once a year he visited each subdivision (ward) and, with the land surveyor, oversaw land applications and grants. His superintendence was pervasive, from defence to regulating the movements of persons to maintaining the public roads.

The district boards assisted landdrosts in their administrative functions and acted as courts of justice with regard to civil

¹³ Theal, RCC, 9, p. 66. For civil cases heard in 1812 see ibid., Report of the Commissioners of Circuit for the Districts of Graaff-Reinet, Uitenhage and George, pp. 101-02, 106-08, 110-11, 113-16, etc.

¹⁴ CA, 1/UIT 14/2, Ordinance, 23/10/1805. The duties of these officials are briefly explained in Elphick & Giliomee eds, Shaping, pp. 290-91, 346, 493. See also G.W. Eybers, Bepalingen en Instructien voor het Bestuur van de Buitendistricten van de Kaap de Goede Hoop, Amsterdam: Johannes Muller, 1922, passim.

disputes, notably those concerning debts and lands. In 1817 their jurisdiction was extended to include

Crimes of Vagabondising, Cattle-stealing, and other Thefts, not accompanied by any circumstances of Murder, Violence by breaking into Houses or other Inclosures, or other Aggravation; as also all lesser Crimes and Misdemeanours, liable, by the existing Laws, to a more severe than domestic punishment.¹⁵

Crown trial procedures were introduced in 1819 to better regulate the criminal jurisdiction of the courts of landdrost and heemraden. The Commission of Inquiry recommended numerous improvements in a detailed report. The coupling of administrative and judicial duties ('with the magisterial function predominating'¹⁶) in the offices of landdrost and heemraden survived until the ordinances which flowed from the 1827 Charter of Justice came into force. The task of implementing the Charter fell to the Council of Advice, which met frequently in November-December 1827 to enact the measures needed for the new system to commence on 1 January 1828.¹⁷

Ordinance 32 of 11 December 1827 created the office of justice of the peace. Justices (who were unpaid beyond a stipend of L100 per annum to cover expenses)¹⁸ were to assist the new magistrates by disposing of 'petty criminal offences'.¹⁹ This reform reduced the authority of field cornets who 'lost their petty judicial

¹⁵ Eybers, Select Constitutional Documents, p. 106. The district secretary served as prosecutor in these courts.

¹⁶ T.R.H. Davenport, 'The Consolidation of a New Society: The Cape Colony', OHSA, I, p. 318. Some but not all of the Commission's reforms were embodied in the Charter, see RCC, 33, Report ... 18/8/1827, pp. 32, 53-57, 60-61, 88-89, etc.

¹⁷ The abolition of the heemraden and the form of administration of the country districts to be introduced were announced in a circular of 15/11/1827, see CA, 1/GR 8/18.

¹⁸ CA, 1/AY 8/16, No. 100, Bell-Civil Commissioner, 28/3/1828.

¹⁹ Hilton Basil Fine, 'The Administration of Criminal Justice at the Cape of Good Hope 1795-1828', Ph.D. dissertation, University of Cape Town, 1991, p. 211.

powers beyond the mere conduct of inquests and preliminary examinations'. Eric Walker described the justices as 'little more than ornamental'. If so, then their powers were few and weak when compared with those of the English JP - presumably the model for this office at the Cape.²⁰ Advance notice of their purpose (that, henceforth, police 'will be provided for by means of Justices of the Peace') implied an importance which the records, post-Ordinance 32, seem to bear out. To begin, governor Bourke appointed JPs to four villages where magistrates had been removed and where, he believed, settlers were owed 'some remains of a magistracy'.²¹

Ordinance 33 created the offices of resident magistrate and clerk of the peace, the latter serving as public prosecutor. The two together formed the Matrimonial Court. The duties of the magistrate were 'entirely separate and distinct from those of the Landdrost', who was called 'civil commissioner' from this point. Every district received a magistrate but the eastern districts were paired - George with Uitenhage, Beaufort with Graaff-Reinet, Albany with Somerset - in the case of the commissioners who sat at the principal towns, namely Uitenhage, Graaff-Reinet, and Graham's Town. These six districts gained status as 'the eastern province' and a commissioner-general was appointed with an office at Uitenhage. The abolition of the district boards (and of the Burgher Senate in Cape Town) caused discontent among white colonists for whom they had meant a measure of participation in government, and places for airing grievances. Financial matters

²⁰ Eric A. Walker, A History of South Africa, London: Longmans Green & Co. Ltd., 1928, pp. 170-71; Michael Ignatieff, A Just Measure of Pain, The Penitentiary in the Industrial Revolution, 1750-1850, London: The Macmillan Press Ltd., 1978, pp. 25, 184.

²¹ CA, 1/GR 8/18, Circular, 15/11/1827; GH 23/10, No. 15, Cole-Goderich, 2/4/1832, p. 34. The villages were Caledon, Tulbagh, Bathurst and Cradock.

which had been handled at district level were transferred to the central government.²²

The Khoisan - unless they moved beyond colonial borders or 'lurked' in constant danger of being apprehended - felt the authority of local government over many aspects of life. Movement was controlled in the first place by farmers, then the field cornets and, if they wished to leave the district, the landdrost himself. Labour contracts were entered into and enforced by district officials, who also called on them for public service. From 1809, mission Khoisan (but not those on farms) were subject to tax which the landdrosts collected.²³ Apart from the fact that Khoisan were the 'only regular soldiers recruited in the country by ... Dutch or British'²⁴, they were called upon to share the dangers of commando duty with the burghers.²⁵

Khoisan orphans were placed in custody or indentured to farmers, livestock trespass was punished by impoundment and fines,²⁶

²² Ordinance 43 (1828) made civil commissioners responsible for tax collection, the revenue to be sent to the Collector of Taxes in Cape Town and no longer retained in the 'District Chest'. For the fiscal shortcomings of the former system, see Keith S. Hunt, 'The Development of Municipal Government in the Eastern Province of the Cape of Good Hope with Special Reference to Grahamstown, 1827-1862', AYB, Cape Town, 1963, p. 140. Andries Stockenstrom, formerly landdrost of Graaff-Reinet, was appointed commissioner-general. The duties of the civil commissioners were set out (belatedly) in Ordinance 77. Ordinances were numbered consecutively from the first one, in 1825, through 1833. From 1834 through 1853, the numbering began afresh with Ordinance No. 1 each year. With the introduction of representative government in 1854, laws were termed acts.

²³ Marais, CCP, p. 118.

²⁴ H.A. Reyburn, 'Studies in Cape Frontier History. I. Labour, Land and Law', The Critic, 3(1), Oct. 1934, p. 45.

²⁵ See e.g. Legassick, 'The Northern Frontier', pp. 373-74.

²⁶ A Government Minute of 17/6/1825 clarified the regulations respecting trespass and pounds, see V.C. Malherbe, 'Trespass and Pounds at the Cape of Good Hope before and during the 19th century', Historia, 39(2), Nov. 1994, pp. 19-33.

corpses were subject to official inspection before burial. Prisons, where Khoisan were disproportionately represented, came under a district surgeon's charge: Besides daily visits (strictly enforced from 1828) he was to attend 'all corporal punishments' exceeding thirty-nine lashes and intervene when a prisoner had 'undergone as much of his punishment as he can bear'.²⁷ In the interests of public health, he examined the prison intake for venereal disease. Persons whom the district surgeon diagnosed with leprosy (to which the Khoisan appear in the records to have been above-the-average prone) were liable to be sent to Hemel en Aarde on the Onrust River. Workplace violence and disputes, and alleged breaches of the law - desertion, theft, drunkenness, detention of children or stock - made the district courts a prime interface between the Khoisan and local government.

The eastern districts of the Cape

The coastal forelands of the eastern districts are some 35 km wide, between the sea and the Cape folded mountain belt. This 'dessicated plain' presented difficult terrain for wagons with the result that European settlement was somewhat delayed. The trekboers moved first into more open country to the north - the Karoo (the Sundays River catchment) and the Cape Midlands (the Upper Fish River catchment). These 'relatively arid' areas were well suited to sheep.²⁸ The region's mountains, such as the Suurberg, Winterhoekberg and Bavianskloof chains, were familiar to Khoisan veterans of the war of independence and to refugees from colonial law. The valleys bore scrub and sweetveld suitable for grazing throughout the year while the Zuurveld (a region spanning several wards - including 'Zuurveld' - between the Sundays and Fish rivers) was prized in spring and early summer.

²⁷ CA, 1/GR 17/46, Instructions for District Surgeons, 5/3/1828; 1/GR 17/47, Bell-Clerk of the Peace, 31/7/1829. Lashes in excess of 39 seem rarely to have been administered.

²⁸ 'The Enemy Within', pp. 92-112; J.J. Badenhorst, Survey of the Cape Midlands and Karroo Regions, I. A Geographical Study, ISER, Rhodes University, 1970, pp. vii-viii. Badenhorst places Graaff-Reinet in the Karoo but in common parlance it is termed Cape Midlands.

The oldest district was Graaff-Reinet, established in 1786. The drostdy town was placed in a bend in the Sundays River at the foot of the rugged Sneeuwberg range. For its early history it must suffice to refer to work by Newton-King and (to a lesser extent) myself - all cited in Chapter One. In 1804 the district was divided and Anders Stockenstrom appointed landdrost of the portion which retained the name of Graaff-Reinet. The district was still immense and a further division in 1818 gave a portion to the new sub-district of Beaufort. It should be noted that boundary shifts which improved the management of districts from the point of view of government could appear arbitrary or inconvenient to the Khoisan. In 1826 the servant Lys, in the district of Somerset (newly proclaimed the previous year), took a complaint that her master beat her to Graaff-Reinet because, she explained, she 'wanted to speak to Mynheer Stockenstrom'. Redirected to Somerset, she was rebuked for failing to go directly there and detained for 'ill conduct' on bread and water in the jail.²⁹

The southeastern portion of Graaff-Reinet was proclaimed a new magistracy on 7 February 1804 and named Uitenhage. The Batavians hoped by this means to secure the peace after ending the 'third' frontier war (1799-1803).³⁰ To begin, the district had five field cornetcies or wards: Swarttruggens (a part of which remained behind in Graaff-Reinet), Zuurveld, Bruintjieshoogte, Bushman's River, and Swartkops River. In October 1804 it was enlarged and the additions consolidated to form two new wards: Tsitsikamma and Krom River, Baviaanskloof and Winterhoek. Apart from Fort Frederick and a few structures near the mouth of the Bakens River at Algoa Bay, the only village in the new district was the mission station, Bethelsdorp. In 1803 a vacant farm on the Little Swartkops River had been selected for the missionaries Van der

²⁹ CA, 1/SSE 9/1, Journal of the Landdrost, 19/1/1826. By this time Anders' son, Andries, was the landdrost of Graaff-Reinet. Beaufort and George are peripheral to this study.

³⁰ Also in 1804, Stellenbosch was divided and the district of Tulbagh proclaimed.

Kemp and Read to form a settlement of the Khoisan. This site adjoined properties belonging to the pioneer trekboers of the coastal plain (the extended family of one, Gerrit Scheepers, figures largely in the experience of certain Bethelsdorp inhabitants discussed in Chapter 5). When another unoccupied Scheepers farm, higher up the Swartkops, was purchased for constructing a drostdy in 1804, Bethelsdorp found itself on the road connecting the Town of Uitenhage with the infant entrepot on Algoa Bay.

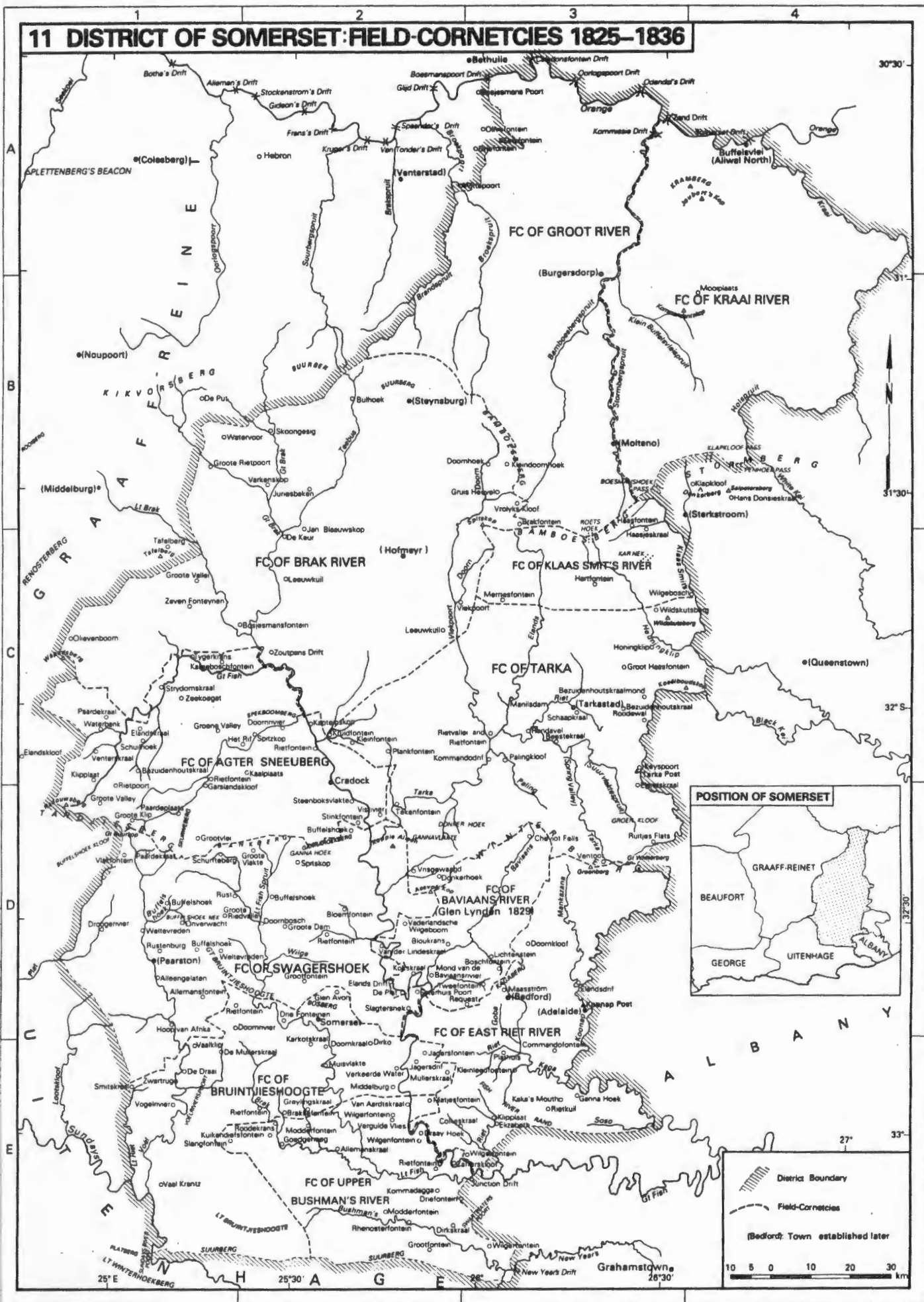
Captain J. G. Cuyler served as landdrost from 1806 until the office was abolished.³¹ He oversaw the building of the drostdy, barracks, marketplace and jail, and various amenities (churches, canteens, shops, and schools). Most of this development affirmed the seat of local government as the preserve of colonists and white officials. The right of free blacks to acquire erven had been established by 1820, as the opgaaf shows. It will be seen when and on what terms the Khoisan were permitted to become erf-holders or the practitioners of independent occupations in Uitenhage and other towns.³²

In 1812 a sub-drostdy was established between the Bushman's and Fish rivers, and the area named Albany in 1814. The Bushman's River field cornetcy was split, giving both Albany and Uitenhage

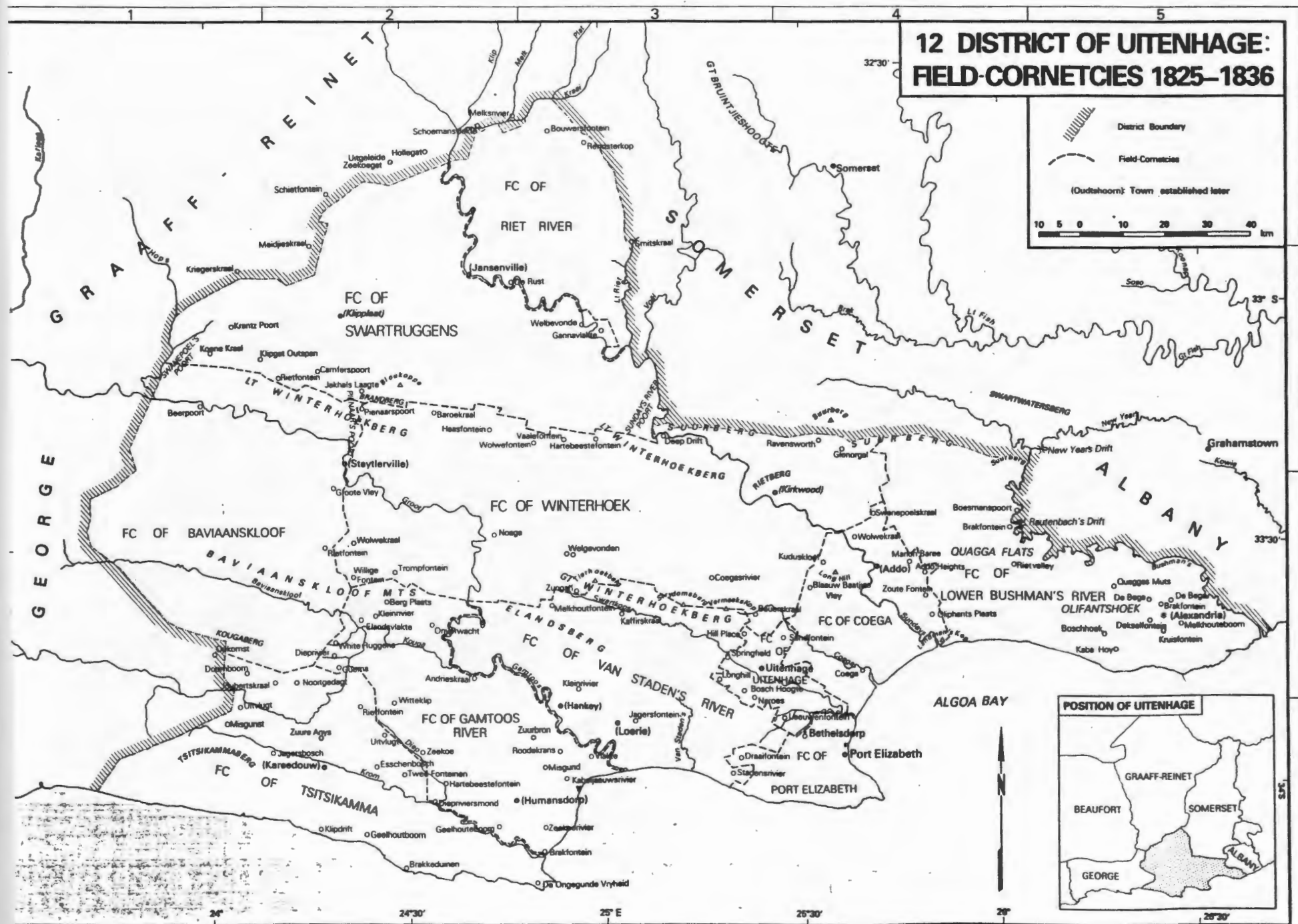
³¹ W.J. de Kock ed., Dictionary of South African Biography [DSAB], Pretoria: Nasionale Boekhandel Bpk., 1968, I, pp. 195-97; D.W. Kruger & C.J. Beyers eds, DSAB, Cape Town: Tafelberg-Uitgewers Ltd, 1977, III, pp. 7-8.

³² Hans Heese clarifies the status of free blacks in Cape society in 'Challenging certain aspects of intergroup relations in The Shaping of South African Society, 1652-1840: A review article', Kronos 17, 1990, pp. 71-76. For free blacks in Uitenhage see: CA, 1/UIT 14/86, Schedule of Lots in the Town of Uitenhage; J 403, Town of Uitenhage, Nos. 29, 66, 70-73. In 1817 the landdrost had been informed that the free black Tobias could not buy a house or possess immovable property, 'such persons never having been admitted ... to become Burghers of this colony', CO 2613, Fiscal-Cuyler, 22/8/1817, but see also an application on behalf of the free black Jan Bardien, 1/UIT 15/6, No. 501, Cuyler-Colonial Secretary, 18/9/1820.

11 DISTRICT OF SOMERSET: FIELD-CORNETCIES 1825-1836



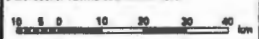
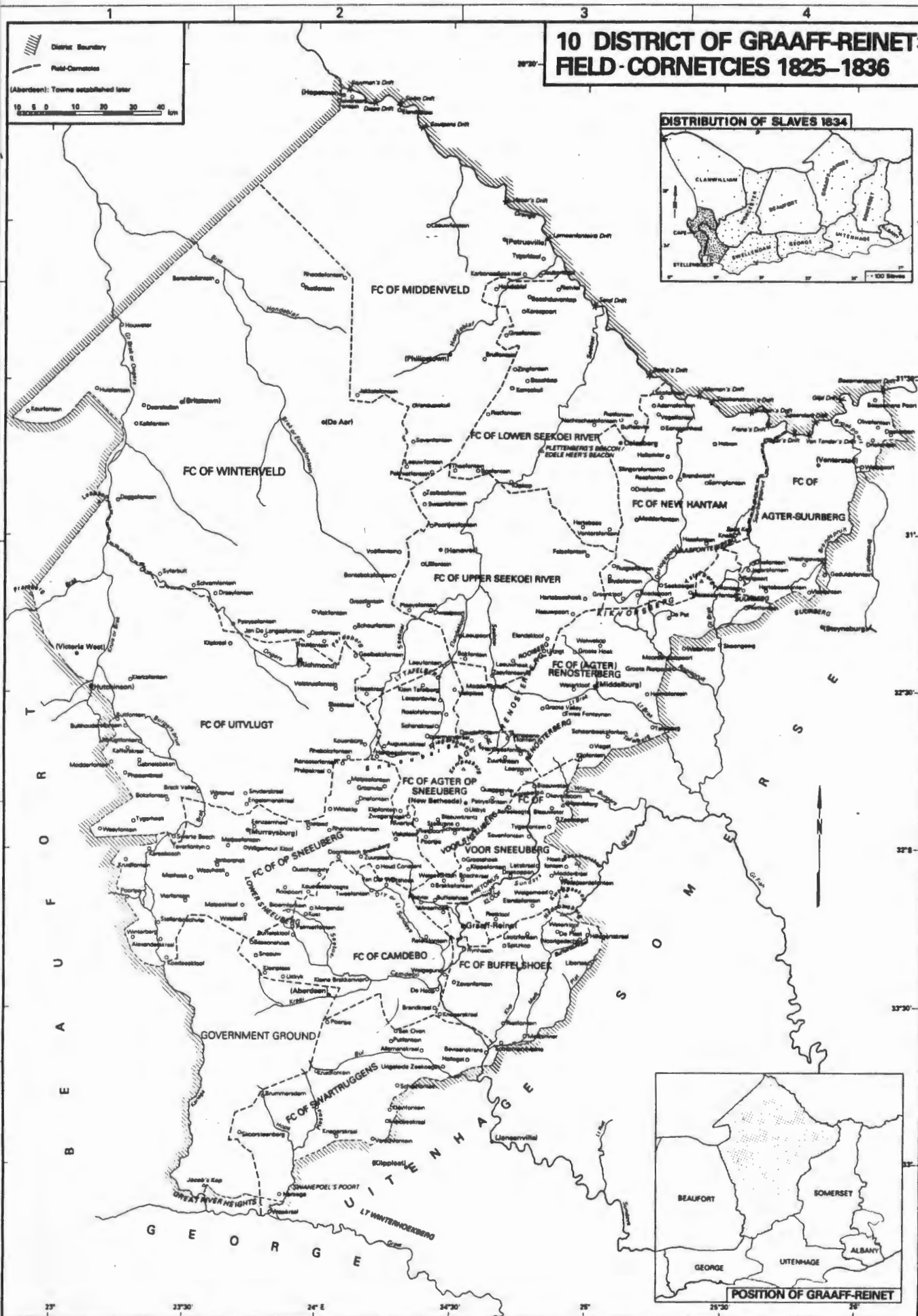
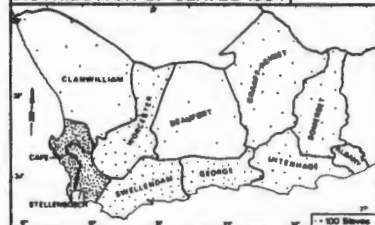
12 DISTRICT OF UTENHAGE: FIELD-CORNETCIES 1825-1836



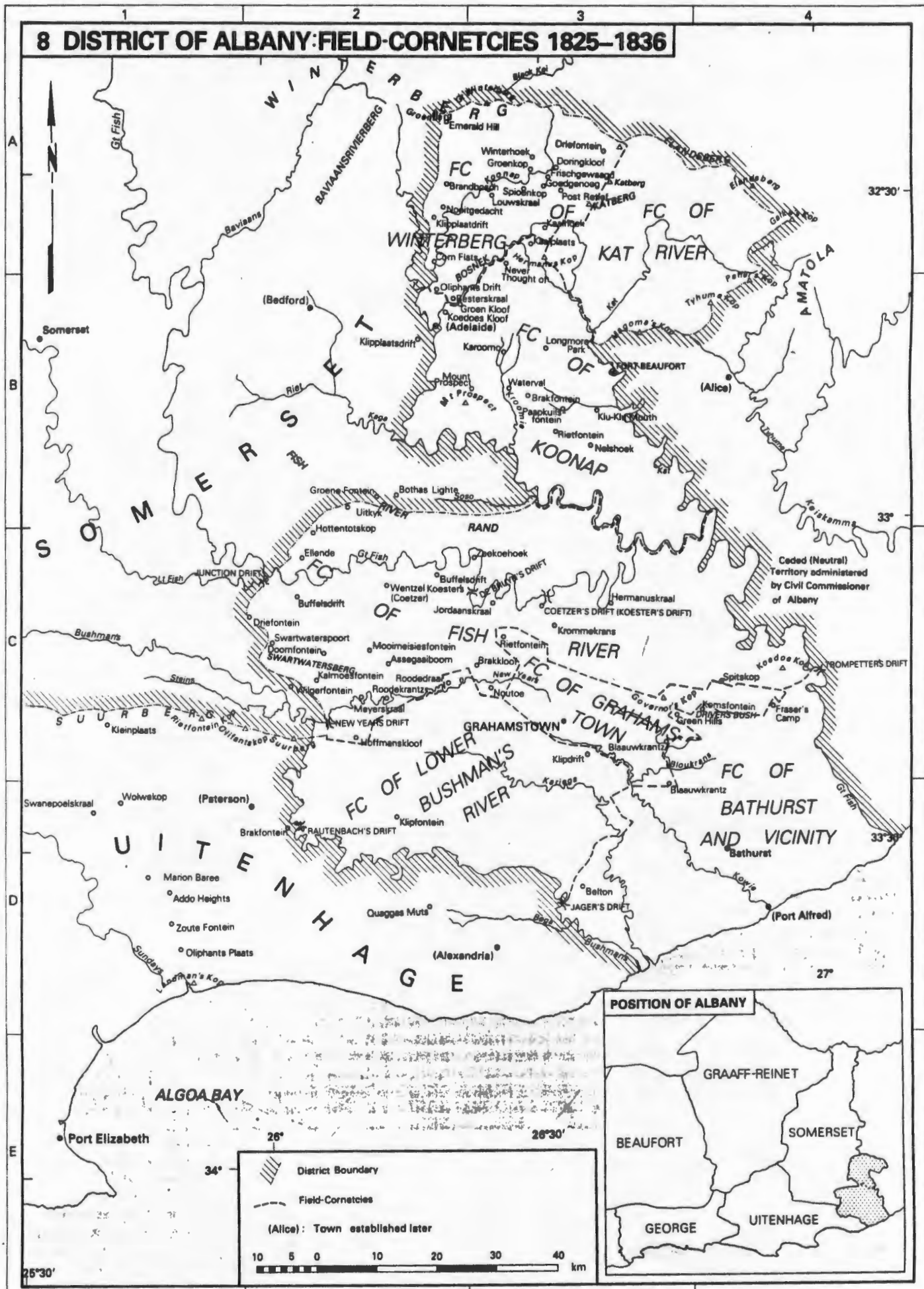
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Field-Carvotopes

(Aberdeen): Towns established later

**DISTRIBUTION OF SLAVES 1834**

POSITION OF GRAAFF-REINET



a ward called Lower (or Under) Bushman's River. Upper Bushman's River ward lay in the District of Somerset, declared in 1825.³³ The process, begun with the arrival of the 1820 settlers, to make Albany a full-fledged district was completed on 30 May 1821 when the region was separated from Uitenhage and acquired a landdrost of its own. The district of Somerset had its drostdy not at Cradock, a sub-drostdy of Graaff-Reinet since 1812, but on the Somerset Farm which was no longer needed to supply the garrison of British troops. Erven were measured and building commenced to make a drostdy and village, called Somerset East. Albany faced the Xhosa who, defying their expulsion over the Keiskamma River in 1819, traversed the 'Ceded Territory' to reach the colony on livestock raids. The large district of Somerset also experienced border crossings by Xhosa but the records more often refer to San banditti and to immigration by the little-known 'tribes' across the boundary between Buffelsvlei (Aliwal North) and the Boesmanspoort Drift on the Gariep (Orange River).

The final meetings of landdrost and heemraden in these districts (and all others) took place in December 1827. In January 1828 the new officials were sworn in. The wards forming the eastern borders of Albany and Somerset were called 'frontier': Field cornets there were awarded a greater compensation than those situated to the rear because of their exposed position and more frequent need to head patrols.³³ Questions of jurisdiction perplexed the appointees: J. W. van der Riet, the new civil commissioner of Uitenhage and George, had to ask whether the magistrate, clerk of the peace, or field cornet for the Town of Uitenhage ward 'is at present to be considered here as Superintendent of Police'. An immediate doubt arose: Who should issue passes to the Khoisan and free blacks?

³³ The evolution of the internal arrangements of the districts is traced by J.B. Bergh and J.C. Visagie, The Eastern Cape Frontier Zone, 1660-1980: a cartographic guide of historical research, Durban: Butterworths, 1985.

³³ CA, CO 2705, No. 279, Campbell-Bell, 5/12/1828, pp. 543-46.

The economy of the eastern districts

Analysis of the economic motives for trekboer expansion into the Cape hinterland has been dominated by two theses, that of a search by the surplus population of the southwest for cheap, abundant land and that of the commercial opportunities for stock farmers. Motive aside, trekboer expansion meant dispossession and a gradual (or sudden) lapse into servitude for the Khoisan. As seen above, Newton-King has gone beyond the noting of this self-evident result and shown that issues fueling this debate are relevant to Khoisan subjugation in ways which can be quantified (see Chapter 1).³⁴

By the 1820s, the town of Graaff-Reinet was on its way to becoming 'a sizeable commercial centre'. Otherwise, the district was exclusively pastoral - cattle in the 'well-watered Sneeuwberg' and sheep elsewhere - though wheat production was increasing.³⁵ Somerset shared many features with its westerly neighbour. The Khoisan were chiefly wanted by the settlers of these districts as herds. 'Bushmen' were assiduously incorporated in the labour force, most often as a result of capture and forcible indenture (Chapter 7).

In 1826, Port Elizabeth (Algoa Bay) was made a free port with its own customs house, enhancing its importance as an 'outlet for produce from the eastern districts and a more convenient harbour for trade with Mauritius and the east'. Hides (ox and cow), plus

³⁴ For a summary of this debate see Elphick & Giliomee eds, Shaping, p. 424. Major texts are: P.J. van der Merwe, Trek: Studies oor die Mobiliteit van die Pioniersbevolking aan die Kaap, Cape Town: Nasionale Pers, 1965 and S.D. Neumark, Economic Influences on the South African Frontier, 1652-1836, Stanford: Stanford University Press, 1957. See also, Shaping, Ch. 2 (esp. pp. 100-102) and Ch. 5 (esp. pp. 269-71); Newton-King, 'The Enemy Within', p. 331 and passim.

³⁵ Shaping, pp. 268, 331, 422. It is suggested that the 'date on which the first purchase of town land was made' be taken as 'date of origin' of towns, D.W. Myburgh, 'The Origin of Towns in the Eastern Cape Midlands', Contree, 4, July 1978, p. 27.

wild animal furs, were the leading exports until mid-century when they were overtaken by wool.³⁶ The existence of saltpans in proximity to livestock farming and a port for coastal shipping gave rise to a meat salting industry. From 1811, Frederik Korsten prepared meat for export at his establishment (named Cradock Place in 1812) near the bay. An important natural resource was timber from the Tsitsikamma forest and the woodlands in the Under Bushman's River ward, enabling Korsten to diversify with cooperage. Some Khoisan, who brought experience and skills to salt collection, timber cutting, and the preparation of hides, found employment in Korsten's enterprise. Khoisan collected aloe juice for export (as a purgative) in the early years. However, participation in the chief economic activity - livestock production - was severely hampered by their lack of access to land.

By 1828 the district of Uitenhage had an active port, a drostdy town, and three mission enclaves - Bethelsdorp, Hankey, and Enon, with the first the largest and best known. The balance of the population lived on farms, or squatted on waste and government land. Developments in Albany - due largely to the entrepreneurial spirit of the British settlers - were crucial to the economic progress of the eastern districts as a whole.

It is not very clear to what extent a money economy had replaced barter in the eastern districts by 1828, especially with regard to transactions involving the Khoisan. Rewards for work appear still to have been mainly in kind, livestock being prized, but farmworkers had often to accept old clothing, tobacco, and small items such as tinderboxes and knives in addition to food rations. Newton-King has been at pains to establish the values attached to livestock and to these goods, concluding that it was difficult to negotiate a fair exchange. The British settlers, who were

³⁶ Donaldson, 'Council of Advice', pp. 277-78, 317, 319. According to this source, ivory was much less important than many writers have supposed. Port Frances was opened as a free port at the same time, but did not develop successfully.

'habituated to the use of money in commercial transactions', were frustrated to arrive in a milieu where 'Afrikaner farmers ... still conducted most of their business by barter and direct exchange of services'. But for as long as the settlers' political grievances took precedence, concerted pressure for economic modernising was postponed.³⁷

The metallic basis of the currency had been abandoned by the Cape government in 1782, due to a shortage of coin. Paper rixdollars were issued - as a temporary measure, it was presumed. The British, finding the rixdollar still to be the main circulating medium, set its value at 4s. sterling but by the 1820s the value had declined to 1s. 6d. By 1825, the currency 'consisted almost entirely of paper rixdollars' and odd coins such as dubbeltjies - pennies 'put into circulation in 1800 at double their value'.³⁸ After the withdrawal of rixdollars from circulation was begun, 'a drastic shortage of small change' was felt, 'especially in the remote frontier districts of the colony. Farmers, merchants and the general public all complained of hardships suffered.'³⁹

The extent to which this impinged on the Khoisan is a matter for speculation but it seems likely that those engaged in trade or preferring a money wage, as well as those buying from itinerant merchants and newly established mission stores, would have experienced the inconveniences described.⁴⁰ The fact that they

³⁷ J.B. Peires, 'The British and the Cape, 1814-1834', in Shaping, pp. 475, 477; Newton-King, 'The Enemy Within', pp. 330-31 (new clothing, she found, entailed a large outlay in the late 18th century, p. 353).

³⁸ For useful discussions of currency and credit facilities see: R. Ross, 'The Cape of Good Hope and the world economy, 1652-1835', in Shaping, pp. 258-63; Donaldson, 'Council of Advice', Chapters 4 & 5.

³⁹ Donaldson, 'Council of Advice', p. 181; Theal, RCC, 29, pp. 478-79.

⁴⁰ An 1821 proclamation laid down that pachters should not receive any articles but money in exchange for liquor sold to 'soldiers, sailors, Hottentots, free blacks, or slaves', W. Bird,

had little access to the currency in circulation on the frontier contributed to the prompt suspicion of those observed with fair amounts to spend. Klaas Bartman and Willem Matroos were arrested when they tried to use some coins: The settler, Thomas Summers, alleged that they had stolen his knapsack with his money and clothes while he lay ill and senseless on the Graham's Town-Algoa Bay road. Likewise, Treina Fortune was soon apprehended after stealing a note of large denomination.⁴¹

The 1820s were a time of transformation in the conditions of trade. For example, the retail butchery trade was opened to licensed butchers in 1828. Instead of dependence on butchers' agents touring the countryside, graziers and merchants were enabled to buy and sell at fairs.⁴² Cross-border trade was encouraged by the introduction of these fairs at places such as Graham's Town, Cradock, Tarka, Beaufort, and so on. In summing up the impact of the measures taken in this regard, Roger Beck has pointed to the 'support given to the growth of the frontier economy, the impetus given to the exploration of the continent, the assistance given to the frontier Boers in their Great Trek and the trade's effect on the colony's African neighbours', over and above 'the economic well-being of the colonial traders' themselves.⁴³

The stamp tax (Rds 80) imposed on licensed traders served to keep numbers lower than they would otherwise have been, reducing the chances of the Khoisan - or, for that matter, the poorer Dutch and British settlers - becoming involved. Rumours now and then

State of the Cape of Good Hope in 1822, Cape Town: C. Struik (Pty.) Ltd., 1966, p. 321, Proclamation, 22/8/1821.

⁴¹ CA, 1/AY 1/3, No. 584, 7/11/1825 & No. 587, 1/12/1825.

⁴² See Ordinance 51 of 1828 & Donaldson, 'Council of Advice', p. 281, and discussion of other activities, pp. 279-300.

⁴³ Roger Bearden Beck, 'The Legalization and Development of Trade on the Cape Frontier, 1817-1830', Ph.D. thesis, Indiana University, 1987, p. 324.

alleged illicit trading by missionaries, their converts, and officials trusted to enforce the law. Harry Rivers, the landdrost of Albany between 1821-1825, was rumoured to engage in smuggling with a mission resident, it being said that he 'was doing a stunning trade himself by sending Boesak, Captain of the Hottentots at Theopolis, to trade under the pretence of shooting elephants'.⁴⁴

The mission stations themselves became modest commercial centres. Once Dr Philip had gained familiarity with the colony, and the criticisms to which the institutions' poor appearance gave rise, he arranged for Cape Town merchants to open shops at Bethelsdorp and Theopolis. Philip believed that the mission people would work harder to 'improve' themselves if shops which cultivated 'wants' were near at hand. Prior to this the Khoisan, like the colonists, relied on smouse (pedlars) who toured the colony and beyond the frontier, or the early merchants in neighbouring towns. S. E. Hudson - artist, diarist, and frontier merchant, among other things - kept detailed records of financial transactions with Uitenhage Khoisan (1820-1821) and the Bethelsdorp people walked 32 km to and from Korsten's store at Algoa Bay before getting a shop of their own.⁴⁵ In 1828, policy was clarified regarding the right of missionaries and their adherents to trade in the towns. Parties of 15 to 20 were allowed to bring produce to Graham's Town and Somerset, once a quarter, in accordance with the ordinance which regulated cross-border trade.⁴⁶ Khoisan

⁴⁴ W.A. Maxwell and R.T. McGeogh eds, The Reminiscences of Thomas Stubbs, Cape Town: A.A. Balkema, 1978, pp. 12, 83 & n. 65, 87. Beck discusses the involvement of Jan Goeyman, assistant missionary in the LMS working among the San and Bergenaars, and the allegations concerning the Wesleyville store, pp. 222-23, 282-88.

⁴⁵ CA, A 602(10), Debtors to Hudson and van Buuren, 1820-21; Sales, Mission Stations and the Coloured Communities, pp. 87-88. For Hudson see Robert Shell, 'Hudson's Cape Town', OBSAL, 47(4), June 1993, pp. 133-49, and DSAB, II.

⁴⁶ CA, 1/AY 8/79, 27/1/1828; 1/AY 8/18, 27/2/1829. See also Ordinance 23 of 1826. Colonial traders objected that missionaries were not required to buy licenses, as were themselves.

assistants probably accompanied these parties to the markets but no information has come to light regarding their participation in this aspect of exchange.

Such trafficking - whether illegal or condoned - was a constant worry for government from the standpoint of peace and order on the frontier. The murder by Xhosa of colonial Khoi sent across the border by their employers could not be ignored. In 1823 Jan Cupido and Abraham Donker, Khoikhoi who were said to reside with chiefs Ndlambe and Ngqika, were quizzed by Albany officials with regard to stolen cattle in 'Kaffirland' (it is not clear if they informed voluntarily or under duress as prisoners). Among the less 'respectable' colonists were some who crossed the border - without permits but with Khoi interpreters and guides - to strike bargains in Xhosa cattle for resale or to build their own herds. In 1824, Fredrik Lucas and 'the Hottentot Abraham' were detained on suspicion of illegal barter with the Xhosa after being found with forty-one cattle.⁴⁷ Among the motives for the fairs established at Fort Willshire and elsewhere was government's desire to undercut the profits and reduce the incidence of clandestine and peace-endangering private trade. Increasing restrictions on cross-border barter and also hunting affected the independent livelihoods exploited by Khoisan.

⁴⁷ CA, 1/AY 1/1, 22/5/1823 & 15/12/1824 (possibly this 'Abraham' and Abraham Donker are the same man); CO 2693, Mackay-Van Wyk, 12/5/1827, pp. 272-73.

4. Khoisan and Colony: Law, Custom and Daily Life

The condition of the Khoisan prior to Ordinance 50 of 1828 has been described by Elphick and Malherbe.¹ Important was the web of laws which 'mitigated and confirmed' their subservience to the white colonists. These combined with de facto exclusion from landownership left them with little choice but to live and work on white-owned farms. Service (for men) in the Cape Regiment and residence on mission lands, both of which had their start in the 1790s, were palliatives, given the temporary or partial nature of the relief from indenture to farmers that they held out - almost the only realistic option for subsistence open to the Khoisan. In the course of their transformation from independent hunter-gatherers and pastoralists to serfs, the meaning assigned to the terms 'Bushmen' and 'Hottentots' altered in ways to be discussed.

The eastern Khoisan before their 'emancipation' in 1828

By 1828 most Khoisan of the eastern districts were defined as 'Hottentot'. The term as then construed evoked not the pastoral lifestyle which formerly distinguished livestock-keeping indigenes from hunter-gatherers but a level of assimilation into the colonial economy. 'Hottentots' (whether herders or hunters in the past) were those in service, 'Bushmen' those who were outside, subsisting 'in the wild'. Bushmen in this sense - residual Khoisan who had resisted being 'tamed' - inhabited the rugged regions of Somerset, or lived beyond the borders and, perhaps, re-entered the colony from time to time.²

¹ 'The Khoisan to 1828', especially 'Khoisan subservience mitigated and confirmed, c. 1790 to 1819', pp. 35-43 and 'An attempt at emancipation, c. 1820-28', pp. 43-50.

² The transformation from 'Bushman' to 'Hottentot' was not instantaneous on taking service, viz. the 'Bushmen Family, Frolic, wife and girl about 10 years of age' who came from the Baviaans River in Somerset to Graham's Town to complain of ill-treatment by their master, CA, 1/AY 9/5, Landdrost-Mackay, 10/11/1826, p. 191.

Officials were perfectly aware that seeming-Bushmen might be 'Hottentots', that is, were once indentured. In 1828 the civil commissioner of Albany and Somerset reported 'a Band of runaway Bushmen and Hottentots' hiding out in the hills at the head of the Mankazana River and went on to explain: 'It does not appear that there are any Bushmen properly so-called among them but that they are wholly composed of Persons who have run away from the Farmers with whom they have been in service.'³ The belief that they had been in service carried more weight in determining their identity than did the fact that their behaviour conformed in important respects with that attributed to 'Bushmen'.⁴

That 'wild Bushmen' could make faithful servants was recognised. In 1827 Landdrost Mackay of Somerset advised that while Europeans 'do not appear to retain any inclination to work after a short residence in this part of the country',

Experience has shown that Bushmen when once accustomed to habits of Industry (tho' at first less tractable than any of the other Border tribes) are equal to any class of people as useful servants, they are numerous beyond the Orange River, and are often totally destitute of the means of subsistence having no flocks of their own, nor any notion of cultivation - The character of the Bushman is so generally and well known that it would be superfluous to say more than state my firm conviction that a general

³ CA, 1/AY 9/6, Civil Commissioner-Secretary to Government, 19/9/1828, p. 104. The spot had been described unambiguously as a refuge for 'Bushmen' in 1825, see e.g. CO 234, II, Capt. Massy-Major Forbes, 24/8/1825, pp. 20-21.

⁴ The fact of 'Hottentots' behaving like Bushmen guaranteed that the 'merciless search and destroy tactics of the burgher commandos' would be set in train, see Newton-King, 'The Enemy Within', p. 119. In connection with one aspect of that behaviour, namely, raining poisoned arrows on pursuers, one notes Pieter Jolly's evidence that other groups (including Khoikhoi) used these weapons, 'Between the Lines: Some Remarks on "Bushman" Ethnicity', in Pippa Skotnes ed., Miscast, Negotiating the Presence of the Bushmen, Cape Town: University of Cape Town Press, 1996, p. 201.

influx of these people would be productive of extensive and permanent advantage to the colony.⁵

Thus the burgher patrols treated extermination and taking prisoners (for indenture) as complementary strategies for bringing the San under control. While Cradock/Somerset was still a sub-drostdy of Graaff-Reinet, Landdrost Stockenstrom was called upon to explain a field cornet's report that 'women and children who were taken prisoners are so disposed of that they can live without recourse to thieving'. The governor demanded to know what prevented persons thus 'placed in servitude' from 'merging into the class of slaves'. Stockenstrom's reply did not entirely satisfy Lord Charles who proceeded to require half-yearly returns stating the terms on which the San captives were employed.⁶

Assertions by colonists must be considered in the light of their overriding desire for cheap labour which, before the mid-1820s, the 'Hottentots' (in the absence of other target groups of any size) were expected to supply. Asked to recommend a shepherd, the superintendent of the Somerset Farm declined:

This is a class of people that are very scarce at least that you can depend upon the principle sheep graziers genarily [sic] purchase slaves for this purpose on whom theres much more confidence to be placed than on Hottentots ... I have got several Hottentots and am about making a third flock of sheep tomorrow but do not know how to manage for a third herd.⁷

It appears that his concern was to hoard the workers he required, more than to complain of the Khoisan's aptitude for the job.

⁵ CA, CO 2693, No. 24, Mackay-Plaskett, 20/2/1827, pp. 145-46. 'Permanent' may refer to the tendency of other cross-border migrants to return across the Gariep once a stock of cattle had been earned. Emphasis in original.

⁶ British Parliamentary Papers (BPP), No. 50 (1835), Papers relative to the Condition and Treatment of Native Inhabitants of the Cape of Good Hope, see No. 40, S.J. van Wyk-W.W. Harding, 30/4/1822, No. 41, Bird-Stockenstrom, 23/5/1822, No. 42, Stockenstrom-Bird, 5/6/1822, and No. 47, Bird-Stockenstrom, 21/6/1822. Stockenstrom maintained that the existing proclamation of 5/5/1817 was 'the most effectual barrier Government can oppose' to the abuses which the governor feared.

⁷ CA, 1/AY 8/76B, Robert Hart- ?, 20/11/1825, p. 482.

In 1827 the Uitenhage Agricultural and Horticultural Society complained that there were only 400 'effective male slaves, fit for field labour' in the district while the Khoisan's wants were so easily fulfilled that they could hardly be induced to work at all. The Cape Corps snapped up the 'young and healthy' men while the missionaries (by which was meant the LMS, as the Moravians expressly were not blamed) fostered idle habits.⁸ When invited to comment on the merits of indenturing workers from the 'tribes' beyond the colonial boundary, a meeting of inhabitants welcomed the idea because of 'the uncertainty and difficulty of procuring Hottentots under the present system'.

It is not made clear how the 'system', based on the proclamations of 1 November 1809 and 23 April 1812, failed to satisfy these employers. They did go on to say that their workers idled on the job, 'roving in the fields in search of honey, game, etc.' These activities, perceived as remnants of a 'savage' past, were suspect as alternatives to the labour market and a cover for subsisting by theft.⁹ Honey was not favoured for its sweetness alone but was fermented to make mead (called by the Khoisan, karri). In 1820, Cuyler had circularised his field cornets to halt the 'dangerous' production of this traditional 'beer'.¹⁰ Without any solid evidence to hand, one must suppose that this attempt at prohibition failed - as others have elsewhere. With the arrival of the British settlers that same year, anxiety concerning access to intoxicating agents turned to the proliferation of canteens. Besides those in the towns and on the

⁸ Theal, RCC, 28, Memorial, 3/2/1827, p. 365. Shortly before, an official claimed that there were only 8 000 'Hottentot' males and, counting slaves, 'one male (comprising boys of 12 years of age) to every 772 acres' in the colony as a whole, RCC, 27, D'Escury-Plasket, 4/7/1826, p. 29.

⁹ Theal, RCC, 34, Minutes of the Council of Advice, 6/3/1827, pp. 369-70; CA, 1/AY 8/80, Currie-Campbell, 18/8/1829, p. 639. For 'robbing bees' nests' and the draft vagrancy law of 1834, see Elbourne, 'Freedom at Issue', p. 134.

¹⁰ CA, 1/UIT 15/6: Cuyler-Barker (Bethelsdorp), 24/2 and 19/10/1820; Circular, 26/12/1820.

most-used roads, retailers tried to set up shop as close as possible to mission stations - a ploy which missionaries and converts committed to temperance opposed tooth and nail.¹¹

The position of the Khoisan in Albany and Somerset was much the same as in the older districts (of which they had, in any case, once been a part). An opgaaf showed the population profile as:

	White		Free Black/ Coloured ¹²		Slave		Total	
	Male	Female	M	F	M	F	M	F
Somerset	3219	3007	1230	1285	771	605	5220	4897
Albany	2414	1840	1087	812	53	48	3554	2700 ¹³

Certain local factors had served to place a premium on Khoisan labour. An 1820 proclamation, shortly before the first British settlers arrived, banned free workers drawn from 'Savage Tribes' beyond the colony. In June 1821 Lord Bathurst advised that land grants in Albany and regions to the north should be reserved for colonists who used free labour and not those possessing slaves. Grievances intensified when the impossibility of holding the 1820 settler-labourers to their indentures became clear. (Among the reasons for defection was their adoption of mores observed at the Cape: One objected that the officials and his employer 'wanted to make a Negro out of him'.)¹⁴

¹¹ Sales, Mission Stations and the Coloured Communities, pp. 96-97.

¹² Though used here, the term 'coloured' was not in common use on the frontier. A questionnaire concerning labour, compiled at more or less the same time as this return, referred to 'Public Functionaries, Farmers, Labourers, Domestic Servants, Slaves, Hottentots, and Natives of the Adjacent Countries' (with Bushmen subsumed by one or other of the last two), CA, 1/AY 8/18, Bell-Civil Commissioner, 11/12/1829.

¹³ CA, CO 2713, No. 257, 24/12/1829, pp. 544, 545; 1/AY 8/18, Bell-Civil Commissioner, 6/11/1829 & 18/12/1829.

¹⁴ CA, 1/SSE 9/1, Day Register, 15/2/1826; Cape Blue Book, Proclamations, Minutes, Advertisements and Official Notices of the Government of the Cape of Good Hope, 10/1/1806-2/5/1825, Proclamation, 28/1/1820, p. 21 (confirming proclamations of 27/6/1797 & 14/5/1812, CA, CO 300, No. 24, 6/1/1827). The 1820 British settlers were forbidden to use slaves for field labour

All told, the British settlers felt uniquely deprived. Putting their case to the Commissioners of Inquiry, the landdrost of Albany explained that where 'the Boer has generally many Hottentots about him', the settler was lucky 'to procure one'. Solitary Khoisan servants were said to miss the company of friends. Moreover, they resented having to perform a multiplicity of tasks. As a result - though (in his view) the settlers were kinder masters and offered higher wages than the Boers - their servants frequently absconded.¹⁵

By and large, the records contain a litany of denigration of the Khoisan in relation to the farmers' labour needs. Employers argued that state-sanctioned and aided coercion was the sina qua non for a compliant labour force. A few observers maintained that their alleged deficiencies were due to poor conditions of service and lack of fixed property which, when acquired, could be shown to habituate them to an orderly lifestyle.¹⁶ These opposite scenarios - work-shy habits to be overcome by rigorous controls, acceptable behaviour represented to flow from proper treatment - illustrate divergent theories mooted at the time. Administrators faced the need to reconcile the current economic wisdom, favouring free labour, with perceived requirements 'on the ground'. As one writer (reflecting on another process) observes, humanitarianism had become 'inextricably linked to the practice of domination': Subscribers to new 'enlightened' precepts did not propose to sacrifice the interests of elites.¹⁷ Theorists differed more on means than ends - and few if any allowed for the

while the Albany 'Dutch' were permitted to retain theirs. Both, however, were subject to Bathurst's 1821 measure.

¹⁵ CA, 1/AY 9/5, Landdrost-Bigge, 8/5/1827, pp. 271-73.

¹⁶ See e.g. Theal, RCC, 35, Colebrooke-Huskisson, 14/5/1828, pp. 204-06. Colebrooke's views rebutted those of Bigge.

¹⁷ Ignatieff, A Just Measure of Pain, p. 214.

complex interplay of interests and world views which alters outcomes in ways not readily foreseen.¹⁸

'Heathenism' and the Khoisan

The Khoisan suffered numerous disabilities as persons 'in a state of heathenism' in a society where rights were linked to Christian faith and membership. In one reported case a field cornet refused to help a Bastard recover 600 stolen sheep with the words: 'you have a right to the sheep - but your adversary is a Christian and you are but a Heathen therefore I can't compel him!'¹⁹ In 1808 Landdrost van der Riet of Stellenbosch went so far as to assert that heathen testifying in a court 'do not scruple to give vent to their evil inclinations, by falsely accusing others, particularly Christians, towards whom a Heathen is naturally an enemy'.²⁰ These seemingly extreme responses were all too common at this period according to Landdrost Alberti of Uitenhage:

According to the unfortunate notion prevalent here, a heathen is not actually human, but at the same time he cannot really be classed among the animals. He is, therefore, a sort of creature not known elsewhere. His word can in no wise be believed, and only by violent measures can he be brought to do good and shun evil.²¹

Though such views increasingly were questioned, a 'heathen' so-called remained disadvantaged when compared with burghers in the eyes of the law.

¹⁸ For the interplay of world views see Mechal Sobel, The World They Made Together, Black and White Values in Eighteenth-Century Virginia, Princeton: Princeton University Press, 1989.

¹⁹ Entry dated 11/3/1802 in Edna and Frank Bradlow eds, William Somerville's Narrative of His Journeys to the Eastern Cape Frontier and to Lattakoe 1799-1802, Cape Town: Van Riebeeck Society, 1979, pp. 183-84 (cited in Shaping, p. 457). Newton-King observes that whereas Europeans 'othered' some alien peoples as 'heathen' and some as 'savage', the Cape indigenes were perceived as 'heathen and savage', 'The Enemy Within', p. 8.

²⁰ CA, CO 2562, No. 68, Van der Riet-Caledon, 5/12/1808. The landdrost had been angered by what he believed were false accusations against innocent burghers.

²¹ These remarks (1805) are cited in Andre du Toit and Hermann Giliomee eds, Afrikaner Political Thought, Analysis and Documents, I, 1780-1850, Cape Town: David Philip, 1983, p. 84.

J. N. Gerstner explains how 'heathen' became the antithesis of 'Christian' as a result of terminology employed in the (Dutch) States Bible used in many colonial homes. Where other bibles use 'Gentile' or 'nation' to convey 'non-Jew', the States Bible uses heiden (heathen) 'which gives a non-Jewish reader the impression that he is not the one being spoken about, but rather a third group of uncivilized people'. The fact that the theologians had construed heiden as 'nations' was not understood by ordinary people. Later this misconception merged with a second stigma, that Africans were the descendants of Ham. Gerstner's explanation is plausible but stands in need of confirmation by scholars who are equipped to judge. This set of beliefs would have been affirmed by Scottish Enlightenment ideology, with its 'stark divide between Christians and "heathens"', which missionaries and humanitarian liberals imported to the Cape.²²

In 1825 the Fiscal defined a 'native burgher' as: 'Every free person who is born in the Colony, has remained in it, and professes the Christian Religion'.²³ A year later, Commissioner Bigge asserted that 'the profession of the Christian faith is held to be an essential condition of free Burghership'. Although 'essential', Christian profession was not sufficient for burgher status as Company servants and most baptised Bastards were aware: Bastards, 'even if baptised, found it hard to become full-fledged burghers'.²⁴ The offspring of burgher and slave unions who applied for burgher status met with varying success. For Khoisan, the Fiscal's definition was absurd. Baptised or not, they were 'never granted burgher status' and were thus ineligible for 'burgher rights' which included holding office and the practice of crafts or trades. Although, as Elphick and Giliomee point out,

²² Jonathan Neil Gerstner, The Thousand Generation Covenant, Dutch Reformed Covenant Theology and Group Identity in Colonial South Africa, 1652-1814, Leiden: E.J. Brill, 1991, pp. 107-08; Bank, 'Liberals and their Enemies', p. 89.

²³ Theal, RCC, 33, Evidence of the Fiscal Daniel Denyssen, 15/8/1825, p. 252.

²⁴ Theal, RCC, 28, Bigge-Bathurst, 6/9/1826, pp. 33-40.

`It is not quite certain what "burgher status" meant', the people of the Cape Colony experienced it (or its lack) in many areas of daily life. Persons `below the rank of burgher' could be arrested without a `decree of apprehension' while full citizens could not. Heathenism had far-reaching implications for civil rights and economic life, with burghers privileged above native-born non-Christians who were also `free'.²⁵ That the withholding of burgher rights from Christian Khoisan was a sore point is shown by an incident reported by the missionary Barker while at Bethelsdorp:

A number of the people came and complained that I withheld from them their baptismal certificates; and by that means prevented them from claiming their Burgher right, or Citizenship, when nevertheless they were obliged to pay the Govt. taxes.²⁶

It is proposed here to examine three ways in which `heathenism' affected the rights and status of the Khoisan, namely, with respect to marriage, the submission of sworn evidence in colonial courts, and the ownership of land.

A Batavian order of 1804 laid down `that neither Christians with heathens, slaves with free people, nor slaves among themselves should contract legal marriages.'²⁷ The missionaries had to ask for clarification from government with regard to formalising

²⁵ Shaping, pp. 203, 231, 431, 453, 456, 457 & n**. A proclamation of 2/5/1817 regulated Deeds of Burghership for Foreigners and Aliens in the colony, CA, CCP 6/5/1. Of the Dutch period, Guelke and Shell have said: `The VOC ostensibly treated the Khoikhoi as "free" peoples, although that freedom was nowhere defined', `Landscape of Conquest', p. 806. This ambiguity persisted in the British period: Bigge spoke of `their condition of nominal freedom', RCC, 35, Bigge-Huskisson, 12/5/1828, p. 201.

²⁶ `The Journal of George Barker, 1815-1828', in Marion Rose Currie, `The History of Theopolis Mission, 1814-1851', MA Dissertation, Rhodes University, 1983, II, p. 68, see 17/11/1820.

²⁷ Theal, RCC, 11, Somerset-Bathurst, 12/5/1818, pp. 502-03; Arts. 8 & 22, Huweliksordonnansie vir buitdistrikte, 31 Oct./9 Nov. 1804, in S.D. Naude ed., KP 6, Parow: Cape Times Ltd., 1951, pp. 218, 223 (see also CA, 1/UIT 16/4, Matrimonial Court). The 1804 law was based on Art. 15 of the Statutes of India (1619).

unions among mission residents. According to a proclamation of 26 April 1806, all marriages must be registered by the Court of Heemraden ahead of any ceremony of a religious kind. (The normal registration fee was waived in the case of 'Christian Hottentots' belonging to a 'Missionary Institution'.) Missionaries could officiate at marriages of 'the native inhabitants' of their institutions but were instructed to abstain from 'interfering with the Colonists, Europeans or slaves' of the surrounding countryside.²⁸ Their own unions with Khoisan (and, in the case of Van der Kemp, with a manumitted slave) were (in a legal sense) condoned.

Still, the status of baptisms and marriages among 'native Converts' was unclear, impelling the LMS in 1818 to request recognition for performance of these rites on the same basis as the Dutch clergy. The Society was told that 'the law of the Colony gives to all denominations of Christians, without distinction, similar rights and equal privileges'.²⁹ However, for some time to come, the marriages of heathen had no standing in law. As Sales explains it,

²⁸ Walter Harding, The Cape of Good Hope Government Proclamations, from 1806 to 1825, as now in force and unrepealed, and, the Ordinances Passed in Council from 1825 to 1838, I [through 17/7/1828], Cape Town: A.S. Robertson, 1838, pp. 13-15; CA, 1/UIT 10/1, Colonial Secretary-Cuyler, 16/2/1807, and enclosure addressed to Dr. van der Kemp; Theal, RCC, 11, pp. 509-12. The difficulties respecting marriage faced by persons of colour not resident at missions (early 1820s) are referred to by Thomas Pringle, Narrative of a Residence in South Africa, Cape Town: C. Struik (Pty.) Ltd., 1966 (first published 1835), p. 110. In 1827 it was confirmed that Christian 'Hottentots' in the Cape Corps or others who intended to marry must appear before the Matrimonial Court, CA, CO 300, Cloete (Graham's Town)-Fiscal, 6/2/1827.

²⁹ Theal, RCC, 12, Memorial of the London Missionary Society, 3/11/1818, p. 56, and Colonial Secretary-Thom, 12/11/1818, p. 60. According to Elphick and Giliomee, 'Baptized Khoisan and slaves, despite their religious profession, were not normally called Christians, except by the government', 'The origins and entrenchment of European dominance at the Cape, 1652-c.1840', see n+, p. 523.

Members of the church were married under the sanction of the civil government of the Cape Colony, but other couples could be married only by a kind of local sanction. Thus arose the peculiar situation by which baptized couples were married at the drosdy, while unbaptized people were married in the church. The civil ceremony, and its legal guarantees, was only available to baptized people.³⁰

An alleged adultery of a married woman, Kaatje Slinger, with unmarried colonist Fredrik Botha fell away because her marriage to a fellow-Khoi was 'unlawful', having 'taken place while the parties were in a state of heathenism'. Adultery, if sustained, would have enabled the reporting official to intervene and end 'a great nuisance to all the people in the neighbourhood'.³¹

In her account of the violence towards and slave-like status of the Khoisan in the Cape interior in the late eighteenth century, Newton-King found that they 'made enthusiastic use' of their right to give evidence against their masters in court - a right which, as Ross has pointed out, derived from the state's need to manifest control over distant burghers by whatever means. The Khoisan did so even though the word of whites was accorded more weight than was theirs. It was not simply that whites as such were favoured; as heathen the Khoisan were not eligible to testify under oath. When giving credit to Lord Caledon for establishing a circuit court, Campbell remarked that no real protection was possible so long as 'according to the Dutch law, the oath of a Hottentot is inadmissible'.³² Only persons with a knowledge of religion, defined as Christianity or (beginning in the mid-1820s) Islam, were deemed conscious of the meaning of an oath. Thus the Commissioners of Inquiry were informed that 'Hottentots who are neither Mahometans nor Christians cannot be

³⁰ Mission Stations and the Coloured Communities, p. 97.

³¹ CA, 1/UIT 16/58, Roselt-Clerk of the Peace, Cape Town, 1/12/1828, pp. 19-20.

³² Campbell, Travels in South Africa, p. 344. Campbell believed that a major reason for the failure of charges brought by Khoisan before the 1812 Circuit Court was the fact that 'a Hottentot's oath is not taken', CA, ZL 1/3/5, Box 5, Folder 4B, 27/9/1814; Newton-King, 'The Enemy Within', pp. 265-67.

said to have any knowledge of an oath, and have not an idea of religion'.³³

Despite the fact that, by strict interpretation of procedural law, unsworn evidence should have no influence, the Commissioners found that, 'by necessity', the rule was sometimes bent. After the introduction of the Crown Trial in 1819 the court carried out an interview with slave and Khoisan witnesses to ascertain 'as to their knowledge of religious obligation, and of future rewards and punishments'. Depending on their answers, they might be deemed competent to testify under oath. This may be seen as an advance, but the competence of 'heathen' to have their evidence considered as truth remained inferior to that of Christians.³⁴ While Saxe Bannister, advocate and humanitarian, was at the Cape (March 1827-July 1829), he became convinced that injustice to the Khoisan and others would persist because of incapacity in the matter of sworn evidence in the colony's courts.³⁵

The centrality of land dispossession to conquest and domination has been discussed. Land had been an essential source not only of livelihood but of the spiritual life and social cohesion of the indigenes. 'The colonial system of land tenure was ... not only private, but integrally linked to a market in commodities', writes Newton-King - a fact which led to rapid exploitation of

³³ Theal, RCC, 33, Evidence of Daniel Denyssen ... Fiscal, 15/8/1825, p. 241.

³⁴ RCC, 33, Report ... 18/8/1827, pp. 71, 78-81, 128-29. In terms of the proclamation of 18/3/1823, baptised slaves could give evidence under oath; in fact, 'evidence was also taken from unbaptised slaves', Donaldson, 'Council of Policy', p. 216 & n.3.

³⁵ BPP, No. 538 (1836), Minutes of Evidence before Select Committee on Aborigines, British Settlements, p. 176. In his view, 'What the rule is [regarding oaths] at the Cape of Good Hope, it might perplex a sagacious lawyer to state', Humane Policy, p. 40. In 1830, the clergyman A. van der Lingen of Graaff-Reinet was paid to instruct 'the Bushman Piet, and the female Hottentot Cathryn', both 'necessary witnesses' in murder trials, to the point where they could be sworn, CA, 1/GR 11/36, Clerk of the Peace-Civil Commissioner, 16/7/1830.

resources and determination to exclude rival claimants.³⁶ In 1822, Somerset denied that the Khoisan 'are precluded from being proprietors of their own native soil'. His claim - that they 'ever have been and are owners of Farms and places acquired by Inheritance or Purchase. Like others they buy and sell ...' - was certainly specious.³⁷ As commissioner Bigge pointed out, non-Christians were not 'disqualified by positive law from acquiring real property in the Colony' but the fact that they could not be burghers meant that they required the governor's permission. Furthermore, while the officials, such as the Orphan Chamber, were often just, 'the vindication of the rights and property of Hottentots meet with a very strong and interested opposition' when up against the prejudices of the inhabitants at large.³⁸

It must be noted too that the option of becoming tenants (bywoners) as a step towards future independence or an alternative to servitude was virtually closed to the Khoisan. Bywoners have been defined as 'Europeans [my emphasis] who had no claim to the land but were part of a broader European cultural and kinship network'.³⁹ By this definition, 'non-Europeans' were per se disqualified. That aside, not only did the Khoisan lack (acknowledged) kinship links with landowners but they were seen to be ineligible according to existing law. Thomas Pringle relates how he found even a 'humane' magistrate to be convinced that the 1809 proclamation did not permit persons of colour to

³⁶ 'The Enemy Within', pp. 192, 194; Gordon, The Bushman Myth, p. 201.

³⁷ Theal, RCC, 15, Letter by 'Longinus' in the Morning Chronicle and Somerset's response, pp. 222-23.

³⁸ Theal, RCC, 28, Report, Bigge-Bathurst, 6/9/1826, pp. 36-37, 40. Presumably Philip Botha and Daniel (Paul?) Keteldas who bought the quitrent land, Erasmuskraal, near the Gamtoos from Salomon Ferreira on 12/9/1827 had the governor's permission, CA, 1/UIT 15/13, No. 124, Civil Commissioner-Bell, 25/8/1829.

³⁹ Giliomee, 'The Eastern Frontier', p. 424.

reside as tenants on his land, but only after 'indenturing them in every case as our servants'.⁴⁰

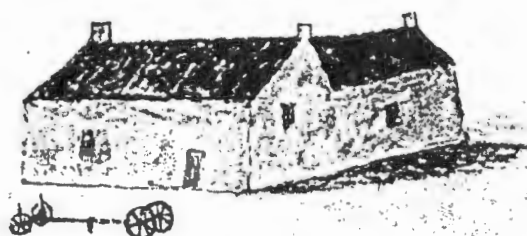
Alternatives to servitude: Some lawful options

The four London Society (LMS) missionaries who arrived at the Cape in 1799 went beyond the still-vague boundaries of Graaff-Reinet and Stellenbosch (there were just four districts, these two with Cape and Swellendam, at the time). They embarked on a short-lived mission to Bushmen on the Zak River, north of modern Williston, and a Xhosa mission, soon abandoned because of the disturbed conditions on the eastern frontier. The latter was transformed by Van der Kemp and his assistants into a mission to the Khoisan then gathered in the village of Graaff-Reinet. Missions to the San within the district had a brief existence: Thornhill (1814) and Hephzibah (1816) were closed by government even though 'Official ... policy in the early years of the nineteenth century was to encourage the missionaries to switch their efforts from the Hottentots to the Bushmen' - who were perceived as more in need of their attentions, according to Sales.⁴¹

The Moravians, who had been first with a mission in southern Africa, were less visible in the eastern districts than the LMS.

⁴⁰ Pringle appealed to Stockenstrom who allowed the families to become his tenants, Narrative, pp. 109-10. Newton-King describes the arrangements made by landowners with bywoners in 'The Enemy Within', pp. 44, 192 & n. 55.

⁴¹ Mission Stations and the Coloured Communities, pp. 58-59. See articles concerning 'Die Londense Sendinggenootskap en die San' by Karel Schoeman, in SAHJ: 'Die Stasies Toornberg en Hephzibah, 1814-1818', No. 28 (1993), 'Die Stasies Ramah, Konnah en Philippolis, 1816-1828', No. 29 (1993), 'Die Stasie Boesmanskool en die Einde van die Sending, 1828-1833', No. 30 (1994). Theal refers to the LMS's 'fruitless effort to instruct some Bushman' at Bushman School c.1830, History, V, p. 470. For a list of early LMS missions see Basil le Cordeur & Christopher Saunders eds, The Kitchingman Papers, Missionary letters and journals, 1817 to 1848 from the Brenthurst Collection, Johannesburg: The Brenthurst Press, 1976, pp. 11-12.



Frans Jan Mager

Cupido's house, now Philip Botha's

Andries Pretorius, a Bushman

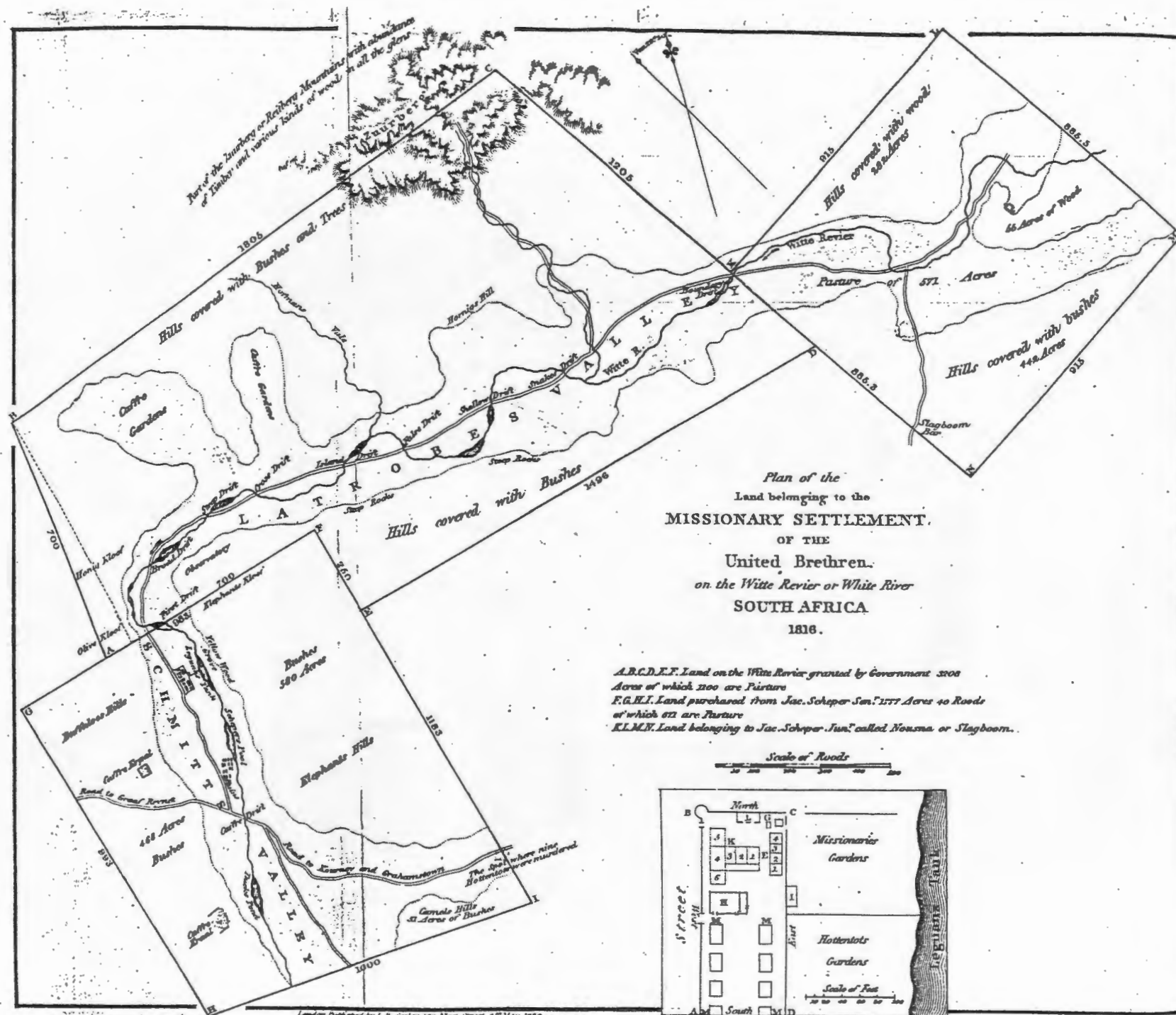


In the course of his first tour of the Cape (1812-14), the Rev. John Campbell of the LMS sketched some Khoisan dwellings at Bethelsdorp. Owners Cupido (Kakkerlak), Philip Botha and Andries Pretorius figure in this dissertation. Frans Jan Mager and Hans Schepers were among those baptised during the 'great awakening' (1814-16) at Bethelsdorp.

J. Campbell, c. 1813, MuseumAfrica, Johannesburg, 53/740B

ENON
1816

SOUTH
AFRICAN
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An eastern mission was founded as a result of a tour by C. I. La Trobe, secretary to the Moravians in Britain, in 1816.⁴² He and his companions (some of them Khoisan) selected a vacant farm known as Witterivier after the tributary to the Sundays River of that name. In the two-year interval between selection of the site and the arrival of mission settlers, a drought turned what had seemed a green, well-watered spot into a 'grey, arid landscape'. Nevertheless the missionaries and some mainly Khoisan converts settled down, and were soon joined by more 'outstanding Hottentot and Xhosa members from Genadendal' as well as Khoisan from surrounding areas. During the 1819 frontier war, nine members were killed and the rest evacuated to Uitenhage. When peace was restored the people made a fresh start, naming the station Enon.⁴³ The missionaries liked the fact that their congregation (unlike Bethelsdorp) was distant from the 'bad influence' of Uitenhage. On the other hand, Enon lacked scope for economic development as water was scarce and it was far from markets for labour or manufactured goods.⁴⁴

⁴² The Moravians, though the longest-established society in the Cape Colony, had only two institutions, Genadendal and Groenekloof (Mamre), both in the western Cape. In 1814 the LMS obtained permission to establish two more stations in the eastern Cape (after Bethelsdorp): Pacaltsdorp, in the district of George, and Theopolis, in Albany. More societies sent missionaries to the Cape in the 1820s when 'the next great missionary thrust into the interior' began, le Cordeur and Saunders eds, Kitchingman Papers, pp. 14-16. See also the fold-out map titled 'Missions in Southern Africa, to 1848' at the back of this volume.

⁴³ Bernhard Kruger, The Pear Tree Blossoms, A History of the Moravian Mission Stations in South Africa, 1737-1869, Genadendal: Genadendal Printing Works, 1966, pp. 124, 132-40; Theal, RCC, 19, Cuyler-Commission of Enquiry, 25/11/1824, p. 169.

³⁹ For mission landholding see Cape of Good Hope, House of Assembly, Report from the Select Committee on Granting Lands in Freehold to Hottentots, 1854. The missionaries deplored the canteens in villages such as Uitenhage and their environs, e.g. Robson of Bethelsdorp: 'The villages are a great hindrance to the improvement of the people', CA, ZL 1/3/9, Box 10, Folder 2A, 24/1/1827. Beyond such concerns, the German missionaries are said to have sprung from an ideological milieu where Zivilisation was rejected in favour of Kultur which expressed spirituality, among other valued concepts: 'Frequently this is represented ... in spatial terms of extraterritoriality, which also explains their

Landdrosts exercised considerable power over institutions in their districts. Such self-government as these enclaves retained was widely suspect as imperium in imperio. On a day-to-day basis landdrosts controlled the access of Khoisan to missions. Thus in 1820 Cuyler informed the head missionary at Bethelsdorp that he would not approve new applicants until the 'Hottentots' already there had made themselves 'more useful to the Community'.⁴⁵ The pass system was rigorously enforced even on those traversing so short a distance as that from Bethelsdorp to Uitenhage. Cuyler sternly warned:

... by the Laws of the Colony no Hottentot can go over the Country, not even from one place to another, without a pass - I have often given these orders to your Inhabitants but it appears not now attended to - I shall certainly punish the first Hottentot who comes here without your pass who belongs to your Institution, in future.⁴⁶

In 1823 some Theopolis youths at a school run by Mr. Matthews of Salem were arrested by the field cornet because none could produce a pass, and were not allowed to return.⁴⁷

Landdrosts ensured that the stations did not harbour indentured children who joined parents living there: Eksteen, the son of Rondganger and Sabiena, was stated to belong to D. van Vuuren until he turned 18 and ordered to return to his master. They also interfered where no indenture was involved. In 1826 the landdrost informed the missionaries at Theopolis that the youth, Ruyter Adams, should be sent away to be employed by 'Mr Biggar': '[T]his

preference for locations for their stations in remote or inaccessible places', Gunther Pakendorf, 'The Intellectual Origins of German Missions in South Africa', Africa Seminar, Centre for African Studies, University of Cape Town, 1994, p. 5.

⁴⁵ CA, 1/UIT 15/6, Cuyler-Barker, 7/11/1820. Regarding 'imperium in imperio', see e.g. CO 4447, Sir R.S. Donkin's Collection of Missionary Complaints, 9/6/1821.

⁴⁶ CA, 1/UIT 15/6, Cuyler-Barker, 1/12/1820.

⁴⁷ Sales, Mission Stations and the Coloured Communities, p. 94. See also Philip, Researches, I, pp. 173-74 and the remark attributed to the acting landdrost of Albany: 'The prison is the only school for Hottentots'.

will be better than filling your Books with the names of Persons who cannot in any way forward the legitimate objects of your Society'.⁴⁸ Public service was an obligation on colonists as well as on mission Khoisan but the latter and the missionaries regularly complained that they were disproportionately commandeered for projects like road maintenance. The landdrosts saw them as a ready pool for levies for frontier defence with the result that lengthy absences and lack of compensation became sore points.⁴⁹

Landdrost Cuyler was adamant that mission Khoisan, who received the 'protection of the Law', should not refuse wages or live off their flocks - and, in so doing, avoid paying tax. He distinguished between contracted Khoisan who were affiliated to a mission and those residing full-time on the farms. As he put it,

All Hottentots, not living under contract with the inhabitants (consequently those composing the several institutions), are obliged to pay their annual taxes ... but those serving under contract, and not belonging to the institutions, are excused from payment of same.⁵⁰

Khoisan who could not be traced when the opgaaf was due should be struck from the institution's roll as being, in Cuyler's view, 'unworthy' of the missionaries' 'care'.⁵¹ The new district government installed in 1828 appears to have brought relief. The civil commissioner informed Bethelsdorp:

... all Hottentots under legal Contract ... are exempted from paying Opgaaf Taxes because in such case they cannot be considered as actually belonging to the Institution but

⁴⁸ CA, 1/AY 9/5, Landdrost-Edwards, 12/4/1826, p. 104; 1/UIT 15/6, Cuyler-Barker, 5/12/1820; Currie, II: Journal of George Barker, p. 146 (1/3/1825) & n. 582.

⁴⁹ See e.g. Sales, Mission Stations and the Coloured Communities, pp. 33, 89.

⁵⁰ CA, CO 2592, Cuyler-Colonial Secretary, 18/6/1814 & 7/11/1814; Theal, RCC, 21, Uitenhage District taxes, pp. 49-50. For the impact of the opgaaf on mission residents see Sales, Mission Stations and the Coloured Communities, pp. 54-55.

⁵¹ CA, 1/UIT 15/6, Cuyler-Barker, 31/8/1820.

merely as indentured servants to their employers, during the period of service.⁵²

Presumably this went some way to meet an objection raised by Philip who had claimed that the Khoisan, occupying (without owning) 1/80 of Uitenhage's land, were paying 1/12 to 1/14 of the district tax. He also objected to the fact that tax defaulters who were sent to jail were taken out by farmers who paid their debt and bound them to labour until the sum advanced was cleared.⁵³

The landdrost's approval was crucial to the success of applications for additional land. For example, in 1813 Cuyler appeared to aid the Reverend John Campbell in his application on behalf of Bethelsdorp but his advice to the governor was negative with respect both to the worthiness of the mission Khoisan and the optimal use of the ground.⁵⁴ When he backed a request for 2 000 additional morgen for Theopolis, he pointed out at the same time that much of the land in question lacked water - and thus was 'useless', in a word.⁵⁵

Mission access to land was, for the most, at the pleasure of government in the form of a concession by 'ticket of occupation'. In 1822, the LMS was allowed to buy a farm east of the Gamtoos River on which the station, Hankey, was established. Some of the Khoi woodcutters contracted to Korsten settled at Hankey for convenient access to the Tsitsikamma forest. These included

⁵² CA, 1/UIT 15/12, Civil Commissioner-Robson, 22/5/1828, p. 26. Arrangements were made for those not 'present on the opgaaf day', who were eligible for tax, to pay through the field cornets of the various wards, 1/UIT 15/13, Van der Riet-Robson, 13/4/1829, p. 156.

⁵³ Theal, RCC, 30, Hankey-Bathurst, 22/1/1827, Annexure 2, pp. 169, 171-72. For a definition of opgaaf, see RCC, 27, Commission of Inquiry-Bathurst, 6/9/1826, pp. 401-03, 406.

⁵⁴ CA, 1/UIT 15/1, Cuyler-Alexander, 10/4/1813.

⁵⁵ CA, 1/UIT 15/1, Cuyler-Colonial Secretary, No. 450, 4/7/1820. For Theopolis land disputes see Currie, 'Theopolis Mission', I, Chap. 5.

independent and articulate Bethelsdorp Khoisan such as Prins Boosman, Philip Botha, and the Keteldas family (see Chapters 5 and 9). According to Sales, 'Hankey was not really considered a mission station until after Philip's return from England in 1829'.⁵⁶ By then the surveyor had identified available land, accompanying his sketch with these remarks:

I have hesitated some time in reporting on the wants of this Branch of the Missionary Institution but from my local knowledge and ocular demonstration I conceive that the worthy Missionary at present placed there and the industrious members of his community are entitled to His Excellency's most gracious consideration.⁵⁷

This report opened the way for Hankey to be enlarged. Elsewhere, overcrowding was a chronic problem for the missions.

The missions were the most important sites of formal tuition for the Khoisan. Part, at least, of their attraction was on this account: In his exasperation that some forty 'Hottentots' threatened to leave the Somerset Farm, Robert Hart raged against 'a credulous and unstable race, who as soon as they see one go to a mission institution or school as they call it' wish to follow suit. Adults seized the chance to learn reading and writing at Bethelsdorp - among them Samson Tidor who was empowered to challenge the missionary on points of scripture concerning discipline and the forgiveness of sins.⁵⁸ In 1827 Robson of Bethelsdorp reported that some 125 children (roughly the same number as at the Government Free Grammar School attended by white children in Uitenhage) were 'making great progress in reading, writing and arithmetick [sic]'. More would attend if

⁵⁶ Mission Stations and the Coloured Communities, pp. 83, 88, 121-22.

⁵⁷ CA, CO 8443, Swan-Civil Commissioner, 4/10/1828. See also 1/UIT 15/12, Van der Riet-Acting Secretary, 4/10/1828, p. 210: '... it appears that there is a surplus of unappropriated government ground which might be used by said missionaries'.

⁵⁸ CA, 1/AY 8/3, Hart-Bird, 2/10/1821, enclosed in Bird-Jones, 25/10/1821; Currie, 'Theopolis Mission', II: Journal of George Barker, p. 59 (5/2/1820). Tidor 'besought him to ... compare the references', Barker said.

there were space and the many adults keen to learn needed elementary books. The Free School for Slaves at the drostdy admitted free blacks and 'Hottentots' - though when attendance was put at 60 children (in March 1829) it was not said how many were Khoisan.⁵⁹

A few converts found a career within their mission hierarchy. For example, in 1814 the LMS selected six 'missionaries ... from among the Heathen'⁶⁰ - meaning erstwhile heathen since the men were ardent Christians and had risen through the ranks as deacons, elders and so forth over a period of years. But for most Khoisan the mission stations remained places of refuge rather than effective alternatives to servitude on white-owned farms. Off-mission livelihoods were hemmed in by controls - some specific to Khoisan. In 1820 Cuyler warned that those with wagons, but without a pass, were liable to arrest as 'vagrants'. Eight years later the position was unchanged: The Commissioners of Inquiry found that though Khoisan with property were technically not vagrants, the fact of lacking land meant they had 'no protection' against apprehension for vagrancy if they lacked a pass.⁶¹ Landdrosts issued licenses to harvest resources such as timber and salt. They could terminate a license-holder's privilege, as Cuyler threatened when he complained that woodcutters from Bethelsdorp were 'idling' in 'the wood'.⁶²

⁵⁹ CA, ZL 1/3/9, Box 10, Folder 2A, Robson-LMS Directors, 24/1/1827; CO 2703, Report of the Government Free Grammar School of Uitenhage, 28/7/1828; 1/UIT 15/13, van der Riet-Truter, 6/3/1829, p. 90, Van der Riet-Secretary to Government, 28/3/1829 & 9/5/1829, pp. 122, 182-83; 1/UIT 10/14, Colonial Secretary-Civil Commissioner, 15/4/1829, pp. 70-72. The 'slave church', housed in abandoned barracks, doubled as schoolroom and the teacher doubled as the parish clerk.

⁶⁰ CA, ZL 1/3/5, Box 5, Folder 2F, Minutes, Graaff-Reinet Conference, August 1814.

⁶¹ CA, 1/UIT 15/6, Cuyler-Barker, 1/12/1820 & 12/1/1821; Theal, RCC, 35, Report of the Commissioners of Inquiry to the Right Honourable William Huskisson upon the Police at the Cape of Good Hope, 10/5/1828, pp. 148-49.

⁶² CA, 1/UIT 15/6, Cuyler-Barker, 21/2/1820.

The Cape Regiment - since the late eighteenth century an alternative to servitude on the farms - was subject to frequent reorganisation. Thus in 1817 it was reduced to roughly a hundred men (mainly cavalry) and reverted to a former title, the Cape Corps. During the 1820s it was augmented several times, to a maximum of some 500 men - half cavalry, half infantry - until in 1827 'the infantry were disbanded and the cavalry retained under the new and final title of the Cape Mounted Riflemen'.⁶³ It appears that few Khoisan were enthusiastic about signing on. Increasingly the Khoisan captains (as 'traditional' leaders were called) were pressed to round up 'volunteers' from among the men attached to them at missions or the still-independent 'kraals'. Farmer resistance, a serious problem for recruiters in the unit's early days, persisted: In 1826, 'Holder' was returned to Hendrik Grobbelaar before it was discovered that the contract on which this 'master' based his claim was suspect because of the 'erasures and alterations therein'.⁶⁴

The regiment was highly visible on the frontier where Khoisan defended frontier posts, drove cattle recaptured by patrols, interpreted for British officers in dealings with the Xhosa and Dutch-speaking colonists - in short, performed the myriad tasks assigned.⁶⁵ Their prominence in the security system brought them as witnesses before the courts. The dictum that 'Interpreters, just because they are men between, are commonly mistrusted', is

⁶³ Tylden, 'Cape Coloured Regular Regiments', pp. 38, 41-42. Tylden claims that most recruits 'were Coloured men of one sort or another' until 1852 when the character of the unit changed.

⁶⁴ CA, 1/AY 9/5, Landdrost-van der Riet, 8/8/1826, pp. 162-63. Before Ordinance 50 which limited the contracted term of employment to one year, it would have been possible to alter the document to show two, three or more. Holder's contract was sent to George for comparison with the official copy stored there.

⁶⁵ In 1821 it had been necessary to rule that these soldiers be employed 'in regular routine of duty' and not detached for any task for which landdrosts and officers required extra hands, Theal, RCC, 14, Rogers-Jones, 28/12/1821, pp. 220-21.

borne out time and time again by the experience of Khoisan.⁶⁶ When the ticklish issue of responsibility for shooting a Xhosa came before officials who had to decide if a Field Commandant should be demoted, he (Meyer) was exonerated when he claimed that he had been incriminated through 'the ignorance and stupidity of the Hottentot soldier who communicated between [himself and the English officer in the Cape Corps]'.⁶⁷

Much was made of the benefits expected from a regimental school established in Graham's Town in 1814. This project seems to have faltered for lack of teachers, and for other reasons later on. The fact that many corpsmen were assigned to smaller posts on the frontier was likely to have been a problem. In 1824 the missionary Barker found that the school for 'heathen' at the main barracks in Graham's Town 'had not been used for a long time and was in a dreadful state of filth'.⁶⁸ It is difficult to judge the extent to which regimental schooling held out the prospect of improved life chances through education (European-style) for this category of Khoisan.

Landdrosts were involved in re-integrating discharged soldiers, many of whom applied to enter a mission institution (permission was frequently denied, even to those who lived there prior to their recruitment, to force men to work on farms).⁶⁹ It was essential to know where military pensioners were domiciled so they could receive the pension payments due to them. It is not

⁶⁶ M. Wilson, The Interpreters, Grahamstown: 1820 Settlers' National Monument Foundation, 1972, p. 20.

⁶⁷ CA, 1/AY 9/5, Landdrost-Plasket, No. 78, 25/7/1826, pp. 155-56.

⁶⁸ Currie, 'Theopolis Mission', II: Journal of George Barker, p. 136 (14/11/1824). But in 1830 the Rev. John Ayliff recorded an excellent regimental school at Koonap, Peter Hinchliff ed., The Journal of John Ayliff, I, 1821-1830, Cape Town: A.A. Balkema, 1971, p. 96.

⁶⁹ Sales, Mission Stations and the Coloured Communities, p. 56.

clear to what extent their military service led to permanent resettlement, that is, how many who retired and drew their pensions in the frontier districts were men who had elected to relocate rather than return to pre-enlistment homes. Since trained men were targeted for service whenever emergencies arose, their retirement near the frontier was probably encouraged.⁷⁰ The wives and children of Khoisan soldiers often followed them to barracks: Entire families would have acclimatised to new surroundings by the time the term of service had expired and would, perhaps, have remained willingly.

The only regular employment for Khoisan in district structures was as constables and cleaners in the district jails - jobs vulnerable to sudden policy reversals and economies - and as postmen. In 1825 the salary of the 'Hottentot Kettledorp' was disallowed because of an earlier misunderstanding as to the number of black constables to be employed. The landdrost appealed for more, and for a 'Hottentot woman' to clean, and care for the 'sick and infirm' - each to receive Rds 5 per month. No convicts were 'ever casually employed' in Albany, he claimed, except on rare occasions when a constable was absent and 'a well conducted Hottentot' might temporarily fill the job. Post riding was better paid. Burghers who took on the job of post delivery charged the costs of the rider to the district chest. In 1826 these costs entailed a Rds 8 monthly wage plus Rds 12 for food and Rds 4 for clothes - Rds 24 per month in all. Drostdies used 'Hottentots' to carry 'letters on service' but this employment suffered lapses due to expense.⁷¹

⁷⁰ This appears likely at this stage, although earlier (in 1810) the landdrost of Uitenhage had begged that Corpsmen, even if recruited in his district, be discharged elsewhere for fear that 'numbers of them may go over to the Kaffers' and 'involve the country in a war', CA, 1/UIT 15/1, No. 27, Cuyler-Colonial Secretary, 10/6/1810.

⁷¹ CA, 1/AY 9/5, Landdrost-Plasket, 20/12/1825 & 7/3/1826, pp. 17, 72, & Landdrost-Baron de Lorentz, 10/4/1827, p. 254; CO 2706, No. 49, Resident Magistrate, Beaufort-Bell, 12/4/1828.

Perhaps the highest level of economic independence was achieved by timber merchants with a secure mission base for families and essential equipment. Woodcutting was generally described as the hardest kind of work and woodcutters, if they were white, as persons of the lowest (poorest) rank.⁷² To the Khoisan for whom crop and livestock farming on their own account was out of reach, timber cutting, carting, and selling was a prized pursuit. Amidst condemnations of Khoisan 'idleness', it was acknowledged that they worked hard and well as sawyers.⁷³ Timber was needed for construction, shipbuilding, wagonmaking, and casks for wine and salted meat, to mention some important uses. But to set up as a sawyer and timber merchant it was vital to have a wagon, draught animals, and certain tools. A Khoikhoi, Jan Speelman, recalled the early days at Bethelsdorp:

Piet Prince was the first Hottentot who acquired a waggon, by barter for six oxen, and Andreas Protereus [sic] the second. As soon as they acquired a few waggons, by the assistance they rendered to each other in their several callings, they were enabled to go to the forests, where they cut wood, which they generally exchanged for cattle and other things. Waggon makers' wood was much in demand, and obtained a good price by carrying it into the interior ...⁷⁴

Early opportunities for Khoisan woodcutters to become self-supporting, as well as the conservation and taxation measures imposed by the government which were relevant to their

⁷² CA, BO 61, Swellendam Burghers-Craig, 14/12/1795; Barrow, Travels, I, p. 386 & II, p. 70; Vernon S. Forbes ed., George Thompson's Travels and Adventures in Southern Africa, Cape Town: Van Riebeeck Society, 1967, I, p. 5; Theal, RCC, 17, State of the British Settlers, p. 222.

⁷³ Citing the Moravian superintendent's opinion, that 'want of energy' was the main defect in the 'Hottentot' character, Bigge noted that well-paid or self-employed Khoisan exerted themselves in this and other work, Theal, RCC, 35, Report of J.T. Bigge Esqre. upon the Hottentot and Bushman Population, and the Mission Institutions, 28/1/1830, p. 348.

⁷⁴ BPP, No. 50 (1835), Papers regarding the Treatment of the Native Inhabitants of South Africa, p. 161. Andries Pretorius, described as a Bushman, was for long prominent in LMS affairs.

endeavours, are mentioned in my master's dissertation.⁷⁵ The proclamation of 20 November 1812, referred to there, established a system of open (to licence holders) and closed (for regeneration) forests.⁷⁶ The question of waste - for example, logs left to rot - arose from time to time.⁷⁷ Access to forests was a constant source of friction between the landdrost of Uitenhage and the Bethelsdorp Khoisan. It was alleged that, in 1822, Cuyler obstructed them to the extent that they were unable to complete a large contract they had won.⁷⁸

Forest management was more complex than a natural concern with preservation suggests. The licences set limits not only on the quantity of wood which might be lawfully cut but on the time spent in the forests, which could be difficult for overseers to enforce. Draught oxen required grazing - which, if the men brought their wives and children, might be used by milk cows as well. The woodcutters hunted for the pot. A proclamation of 21 March 1822 fixed open and closed seasons for numerous species of game, provided for licencing, and banned intrusion on private property.⁷⁹ This too was difficult to enforce. Farm boundaries were poorly marked and farmers, suspicious of independent Khoisan

⁷⁵ 'Diversification and Mobility of Khoikhoi Labour', pp. 162-66.

⁷⁶ Harding, The Cape of Good Hope Government Proclamations, I, pp. 122-24. Regulations based on the 1812 proclamation were advertised on 10/11/1836, ibid., pp. 125-31.

⁷⁷ CA, CO 2582, Cuyler-Read, 1/5/1812, Read-Cuyler, 2/5/1812, & Graham-Bird, 1/9/1812.

⁷⁸ Theal, RCC, 16, Memorial of the London Missionary Society, 27/8/1823, p. 221; ibid., 22, Memorial of the Directors ..., 4/7/1825, p. 134; ibid., 30, Hankey-Bathurst, 22/1/1827, Annexure 1, pp. 148-49. Among the accusations against Cuyler it was said that men sent to fell timber on his behalf did not carry a 'wood ticket', ibid., Bourke-Bathurst, 29/1/1827, Enclosure 81 (Examination of Piet Lustig), p. 291.

⁷⁹ Harding, Cape of Good Hope Government Proclamations, I, pp. 230-37.

in their midst, were ready to drive them off even from Crown lands not theirs.⁸⁰

Khoisan were engaged in the exploitation of other natural resources besides timber. In 1825 the British settler Arthur Barker, head of a party situated near Theopolis, reacted with rage when he discovered mission men cutting reeds for thatch on what he claimed to be his land. The language barrier meant that explanations were of no avail, and blows and insults were exchanged. The only witness, Barker's friend, asked one, 'how dare he strike a white man?' The four Khoisan were sentenced to a month on the public works, plus costs, and the head missionary was sternly reproved.⁸¹

Khoisan who got a licence to shoot elephants figure among the better-off. It seems doubtful if men not attached to a mission were so fortunate. The records point to missionary intervention on the hunters' behalf. That they did so with mixed emotions is clear from a letter of one at Theopolis who assisted Khoisan with their applications:

We have no wish to deprive the Hottentots of a privilege to which they are entitled in common with others, but certainly we never wish to see them engaged in shooting Elephants for we are persuaded that they will not improve in civilization and industry while thus engaged.⁸²

The money to be made from ivory gave rise to shady deals in which some Khoisan were involved. John Klaas was arrested on a charge of stealing two 'teeth' (as the tusks of elephant were called) from the licensed trader, John Shaw. Klaas had been employed as a thatcher by Shaw but normally resided with the youthful farmer,

⁸⁰ For farmer attitudes in such cases see Malherbe, 'Cupido Kakkerlak', p. 369, and Chapter 5, this study.

⁸¹ CA, 1/AY 9/5, Landdrost-Edwards, 10/12/1825, pp. 5-6; 1/AY 1/3, No. 596, 14/12/1825. Other occupations open to Khoisan were salt collection, limeburning, aloe harvesting, and the lucrative work of transport driving.

⁸² CA, 1/AY 8/80, Edwards-Godlonton, 19/2/1829, p. 140; 1/AY 18/76B, Edwards-Dundas, 20/12/1825 (where the missionary asked for licences for David Jantjes and Stoffel Boezak of Theopolis).



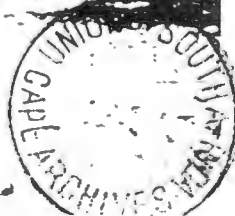
FORT
FREDERICK
ALGOA BAY
by
S. DANIELL



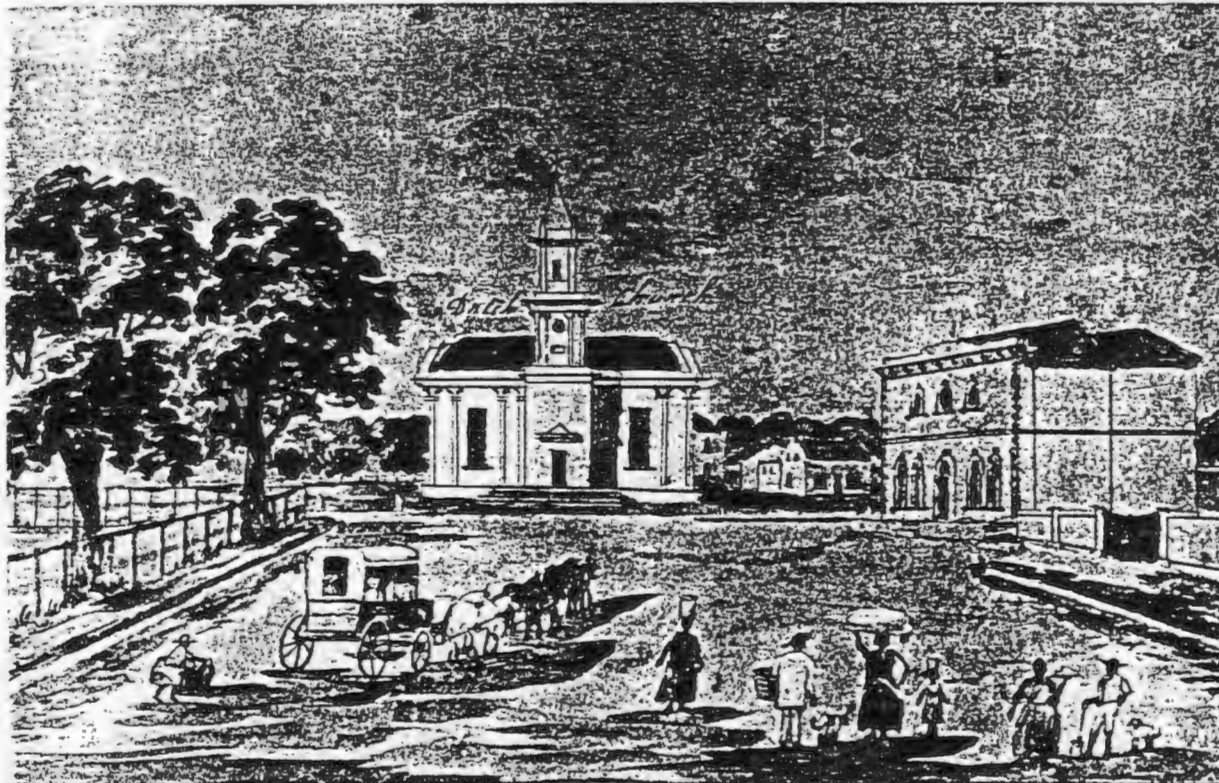
FORT
ELIZABETH
1823
by
J.F. COMFIELD



CELEPHANT
TEETH, ON
THE BEACH
AT PORT
ELIZABETH



CAPE ARCHIVES



Unknown artist
Previously attributed to
M. Nilsen. Water-colour
of Uitenhage and the
D.R. Church c 1845.
The washerwoman and
child, usually found in
these sketches are third
and fourth from the
right. (see H.G. Bosse
in Dictionary).

A. GORDON BROWN, VICTORIAN SOUTH AFRICA
(ORIGINAL: MUSEUM AFRICA N5)

John White, who was arrested also for this crime (the two had evidently met in the Cape Corps). White hunted and roistered in the company of Gert Scheepers Jr (whose family figures in Chapter 5). These two foresaw a profit for each conspirator if Klaas stole the tusks, White sold them to his friend, and Scheepers (claiming to have shot the elephant himself) resold them to a shopkeeper in Graham's Town. The plan worked well until Shaw heard about the tusks for sale in Welsford's store and identified them as his own. Klaas was condemned to a year's hard labour at the public works and White to five years' banishment from Albany.⁸³

Despite mission training of a few in handcrafts and the 'mechanical arts', no evidence has come to light for a Khoisan artisanate outside those institutions prior to 1828. A factor in this, as Giliomee points out, was the obstruction Khoisan faced from colonists who viewed these occupations as exclusive 'burgher trades'.⁸⁴ In general, pursuits which reduced the Khoisan's availability for agricultural work were looked at askance and the military - themselves rivals to the farmers - also perceived them as hindrances. In 1823, officers in search of volunteers remarked that only the aged and infirm were resident at the Hankey station on the Gamtoos. The rest were cutting timber and a lieutenant had to wait until they 'came in from their various occupations' so that recruitment could begin.⁸⁵

⁸³ CA 1/AY 1/2, No. 569, 29/8/1825. Klaas was released early on account of good behaviour and also due to the fact that the landdrost was having to support his large family from the District Chest, 1/AY 9/5, No. 10, Landdrost-Plasket, 4/4/1826, p. 98 & Landdrost-Commissioners of Circuit, 25/11/1826, p. 196. Richard White, who was eloquent in his son's defence, himself went to prison for debt, 1/AY 9/5, Landdrost-Court of Justice, 25/9/1827, p. 330. Scheepers appears to have got off free.

⁸⁴ 'The Eastern Frontier, 1770-1812', p. 453. Their definition of a burgher trade also included the harvesting of a resource.

⁸⁵ CA, CO 186, Aitcheson-HQ, Graham's Town, 12/3/1823, p. 148.

Alternatives to servitude: Resistance, vagrancy, drunkenness and crime

A quarter century after their failed war of independence, many Khoisan of the eastern districts were far from a resigned acceptance of their fate. Of the post-war period Giliomee reports: 'Roving Khoikhoi bands, some of which declared that they would take back their land, operated in Graaff-Reinet'.⁸⁶ 'Hottentots' who lived in exile among the Xhosa were perceived at the time of the 'fifth' frontier war (1818-1819) as a serious threat: Their skill with firearms, gained in the colony, magnified their usefulness to Xhosa hosts in confrontations with their enemies. Shortly after the war, some of these exiles were connected with a complicated plot involving Xhosa and colonial bandits and malcontents to overthrow the government at Uitenhage and expel the colonists and English troops.⁸⁷ In the western districts, Khoisan had joined slaves in two slave revolts (1808 and 1825) but nothing comparable to this has been found to have happened in the east where slaves were relatively few and Khoisan memories of land proprietorship were fresh.

San resistance remained strong. 'Bushmen' were routinely captured for indenture. From point of capture the system was geared to 'tame' them by means of punishment with the alternative of settled work. By linking indenture with imprisonment - as a way out of jail in cases of debt, as a prerequisite for the remission of a criminal sentence, and the like - it served the process by which 'Bushmen' became 'Hottentots'. In case of clemency, there was no need for the conditional release provisions of a modern system of parole as laws specific to the 'free' Khoisan conferred

⁸⁶ Shaping, p. 453 & n. 132: CA, GR 3/19, Depositions of Schutte, Koegelman & Streso, 16/12/1809, 5/1/1810.

⁸⁷ Malherbe: 'David Stuurman', pp. 58-59; 'Hermanus and his Sons', p. 200.

controls.⁸⁸ San resistance post-Ordinance 50 is the subject of Chapter 7.

A British statute of 1744 which punished vagrants with flogging or imprisonment was class legislation in that proletarians and not merchants or squires were liable to arrest if they 'refused to work for the usual and common wages'. In the Cape Colony the 'Hottentot', likewise a proletarian in being landless and compelled to labour for a wage, was targeted by anti-vagrancy measures: The implication of Caledon's 'separate legislation' of 1 November 1809 ('every Hottentot ... shall have a fixed Place of Abode') was that 'vagrant propensities' were peculiar to one section of the population alone. Failure to produce a pass was criminalised but many Khoisan took the risk: 'A place of confinement for slaves and Hottentots who are apprehended for not having passes has lately been established ... on the road from Cape Town to Simon's Town', the commissioners observed. Those who escaped arrest appear to have led desperate lives.⁸⁹

The Commissioners of Inquiry undertook to explicate the laws defining vagrancy at the Cape, and determine how well practice conformed with the regulations. Though landdrosts were empowered to detain persons of every 'class' who lacked a fixed abode, the 'offence of vagrancy in a Burgher' appeared to have been a 'rare occurrence'. Those found in poverty were afforded relief while those simply wandering were encouraged to acquire land on

⁸⁸ See e.g. a proposal for the early release of two 'Bush boys', Wildschut & Uithaalder, who had been 'scourged, branded, and confined at the Public Works in Irons' in 1824 for their part in a murder - a minor part if one accepts the evidence that they had merely witnessed the commission of the crime, CA, CO 2693, Landdrost's Office, Somerset-Plasket, 5/3/1827, pp. 156-57. When the prosecutor in the case of the Khoi Jantje Magerman, accused of theft, ordered his release from prison (because 'the charge is of so trivial a character'), the court agreed - but only when 'he should be able to find a Master to whom he might contract himself', 1/AY 1/2, No. 548, 9/7/1825.

⁸⁹ Theal, RCC, 35, Report ... 10/5/1828, p. 128; Malherbe, 'Hermanus and his sons', passim.

quitrent. In contrast, it was 'received opinion that a Hottentot found anywhere without a pass is a vagrant'.⁹⁰

The commissioners expressed concern about an ordinance enacted while they were at the Cape: The habit of officials and colonists to fire on vagabonds and captives who escaped from custody was sanctioned (within certain limits) by Ordinance 9 of 1825. The rationale, overriding former scruples concerning this power, was to stop convicts who bolted from hard labour on public works and control the 'Gangs of Vagrants'. The commissioners feared that such a measure could conceal the ruthless 'pursuit and capture of vagabond Hottentots, Slaves, and Bushmen' which had caused the 'wanton destruction of them by the Boors and others' in the past. In October 1827 the British government disallowed Ordinance 9, insisting on a more humane approach.⁹¹

The fact that thieving was perceived as part and parcel of vagrancy has been explored by both Macmillan and Marais. As the former explained, since the Khoisan owned no land it was impossible for them to live within the law by means 'original and natural' to them. Any roots or honey gathered, or game shot or snared, must be from private or Crown land: The Khoisan 'had suffered revolution both in the mode of their life and in their ideas of property' so that freedom and thieving almost perforce went hand in hand.⁹² Objections to subsistence by traditional means turned to outrage when livestock were slaughtered in lieu of game. The fact that fermented honey was a favoured intoxicant fuelled the attempts by colonists to outlaw its collection: 'In colonial discourse, beer drinking was ... connected to an insatiable appetite for meat and therefore inevitably to cattle

⁹⁰ Theal, RCC, 35, Report ... 10/5/1828, pp. 145-47.

⁹¹ Theal, RCC, 33, Report ... 18/8/1827, pp. 17-18, 92, & 34, Huskisson-Bourke, 21/10/1827, pp. 44-45.

⁹² CCQ, p. 34. See also Marais, CCP, pp. 180-81.

theft.'⁹³ At the Cape the 'stealing of cattle, sheep and horses' was a capital offence along with the most heinous crimes - treason, murder, aggravated incest and rape.⁹⁴

The commissioners noted the frequency of 'riots and drunkenness of slaves and Hottentots in the streets on Sundays ... attributable to the practice of keeping open canteens'.⁹⁵ These remarks refer to Cape Town but could as well apply to country areas where Khoisan charged with drunkenness, sometimes ending in assault, appeared with regularity before the landdrosts. Alcohol abuse by Khoisan was perceived as a problem, and by whites as a disgrace:

... scenes and disorders of the most disgusting kind ... arising from the intemperate use of spirits, were very frequent in the streets of Grahams's Town, not confined to the Hottentots alone, but comprising individuals of the lower order of European settlers, who upon these occasions did not disdain association with them.⁹⁶

Drunkenness was endemic on the frontier. On the night of 4 February 1824, merry-makers in Graham's Town fired off their guns to such effect that the garrison (remembering the 1819 attack) assumed the Xhosa had arrived in force and turned out to save the town. When the military reached the scene, the revellers reacted as an angry mob. Leading men - Thomas Philipps and Alexander Biggar were named - were heard to damn the landdrost while their tempers were inflamed.⁹⁷ But though the scandal was deplored, the prospects of these settlers were not permanently impaired. Respectable society's censure found a focus in distasteful scenes

⁹³ Jonathan Crush and Charles Ambler eds, Liquor and Labour in Southern Africa, Athens: Ohio University Press (with University of Natal Press), 1992, Chapter 1, n. 19.

⁹⁴ Theal, RCC, 33, Report ... 18/8/1827, pp. 5-6. See also Commissioners' objections to this legal provision, ibid., p. 91.

⁹⁵ Theal, RCC, 35, Report ... 10/5/1828, p. 137.

⁹⁶ Theal, RCC, 35, Report ... 10/5/1828, p. 185.

⁹⁷ CA, 1/AY 1/1, 1/3/1824.

around canteens which were frequented by soldiers, the 'lower class' of settler, and Khoisan - with 'Hottentots', more than the others, reviled as shameless drunkards who stole to satisfy a habit they could not afford.

In 1825 the settler Walter Currie of Bathurst complained that canteen-keepers accepted any goods which Khoisan offered in exchange for spirits. For example, a wagon load of sugar had arrived 349 lb. short: '[I]t was impossible could have been all eaten by the Hottentots. They must have sold it' A missing musket had been bartered by the 'Hottentot drivers' for the same purpose, he surmised. The problem had been recognised in 1821 by a proclamation which decreed that pachters (monopolistic franchise holders) accept only money in exchange for liquor sold to 'soldiers, sailors, Hottentots, free blacks, or slaves'. It seems doubtful that the numerous canteens on the eastern frontier could be controlled unless proprietors were willing to forego easy sales.⁹⁸ Khoisan servants sent on errands to canteens could attract trouble even when they behaved. When Undersheriff Ulyate of Graham's Town stopped such a one 'to know who she was, and to whom she belonged', the child with the woman screamed. Her employer, alerted by the noise, arrived and 'forced the Hottentot girl out of [Ulyate's] hands' - diverting attention from the first object of the sheriff's concern.⁹⁹ It may be noted that, until 1830, jailers received a fee for the 'apprehension and charge of the prisoners': Ulyate was acclaimed as zealous in this regard.¹⁰⁰

The commissioners condemned the collusion of prison officials and colonists in cases of 'contracted servants taken up without passes or in a state of intoxication', whose 'masters' did not

⁹⁸ 1/AY 1/2, No. 561, 5/8/1825.

⁹⁹ CA, 1/AY 1/3, No. 593, 5/12/1825. The man justified the 'forcible rescue' because his 'little child was sick' and needed wine. He was sentenced to a Rds 25 fine, or eight days in jail.

¹⁰⁰ CA, GH 23/9, No. 31, Cole-Murray, 10/5/1830, p. 261.

come forward promptly to pay their fines. Jailers who supplied the prison stores made arrests on trivial charges (a possible example is the undersheriff's action above) and failed to notify employers so that the period of detention was prolonged. New employers cheerfully paid the fine which they recouped by binding workers at below the going rate and keeping them employed beyond the point where prison costs had been defrayed. In all of this, the prisoner was a helpless pawn.¹⁰¹

Punishment reflected practice in the metropolises (the Netherlands, then Britain), though colonies were often seen as presenting a special case. In the Dutch period the 'focus of punishment was on the body', at the Cape as elsewhere. The Enlightenment brought a move away from torture (to extract confessions) and 'cruel' punishments (such as breaking on the wheel) towards alternatives such as imprisonment.¹⁰² Corporal punishment was still the lot of slaves - and of the Khoisan - for, as the fiscal Denyssen explained, the slave did not 'possess any money or property': '[I]n this respect he stands the same with the lower class of free people, of whom it has become a proverb that "qui not [*sic*] habet in aure luat in pelle"' (who does not have gold pays with his skin).¹⁰³

Executions were still public in the early nineteenth century Cape. Thus in 1813 Read of Bethelsdorp was addressed by Landdrost Cuyler:

I must also request that 25 or 30 of your male Hottentots come over here on the day of execution [of 'Whitbooy

¹⁰¹ Theal, RCC, 35, Report ... 10/5/1828, pp. 164-67. In Britain, salaries were replacing the system whereby jailers contracted prison supplies and collected fees, Ignatieff, A Just Measure of Pain, pp. 37, 77-78.

¹⁰² Dirk van Zyl Smit, 'Convicts on the hard road: reflections on the system of convict labour introduced by John Montagu in the Cape Colony (1844-1853)', De Rebus, May 1981, p. 223. Cape jails were often unhealthy due to cold and damp, as well as insecure against escape.

¹⁰³ Theal, RCC, 9, Denyssen-Cradock, 16/3/1813, p. 144.

Tarntaal', by hanging], viz, at 8 o'clock in the forenoon to witness the exampel [sic] made by the Laws of the Country, for the crime of Wilfull [sic] Murder.¹⁰⁴

It appears that the elements of spectacle (in Foucauldian terms) which were a feature of these events in Cape Town, with street processions to parade the doomed, were present in the eastern districts as well. When the baptised man, Willem Rondganger, committed rape the missionary Barker 'exhorted' him to 'witness an execution the next morning of a Hottentot for murder'. Barker himself 'Went to the place of execution at Uitenhage, but was too late to witness the scene; it being over about 10 minutes. More of our people were there and some on time'.

Executions were intense occasions for the saving of heathen souls. Through prayers and vigils with two Cape Corps deserters under sentence of death in 1824, Barker observed 'the prisoners draped in their death clothes with their arms pinioned' well before they began 'the procession ... to the place of execution' in Graham's Town.¹⁰⁵ Deterrence was ritualised by the obligatory attendance of some and the voluntary presence of many more but nothing informs us as to how spectators felt - in solidarity

¹⁰⁴ CA, 1/UIT 15/1, Cuyler-Read, 7/2/1813. This event seems to conform with the intermediate stage Foucault describes, between the practice of public torture on the accused and the concealment of punishment behind prison walls, Michel Foucault, Discipline and Punish, The Birth of the Prison, London: Penguin Books, 1977, p. 131 & passim. For a description of the spectacle associated with executions in Cape Town, see Moravian Archive Depot, Verslag Kohrhammer oor Verblyf in die Kamp te Wynberg, 1805-1806, July 1805. Ignatieff discusses the move away from public, ritual punishment and is interesting with regard to the role of prison chaplains - which was one of Kohrhammer's duties at this time, A Just Measure of Pain, pp. 75, 90-93. Public punishment was staged only twice yearly at Cape Town, precisely so as not to "weaken the impression upon the minds of the lower orders of the community", Fine, 'The Administration of Criminal Justice', p. 391 (citing the Commissioners of Inquiry).

¹⁰⁵ Currie, 'Theopolis Mission', II: Journal of George Barker, pp. 58, 131 (Barker moved from Bethelsdorp to Theopolis). For the church's role, see Pieter Spierenburg, The Spectacle of Suffering, Executions and the evolution of repression: from a preindustrial metropolis to the European experience, Cambridge: Cambridge University Press, 1984, pp. 5-6, 63-64.

with, or acquiescent in the fate of the condemned. Evidence from a slightly later date suggests that officials feared public intervention: In 1829 the civil commissioner of Graaff-Reinet requested thirty armed burghers at readiness 'to preserve the peace in case of necessity' when two executions were carried out.¹⁰⁶

Perpetrators of serious crimes as well as those suspected of political agitation were sent to Cape Town and from there, often, to Robben Island. Banishment, to the island or further afield, thwarted troublemakers and also served as secondary punishment for persons convicted on a capital offence. In 1815 Somerset asked for and received permission to transport convicts to New South Wales in British convict vessels calling at the Cape. Around thirty Khoisan and Bastards were shipped to the penal colonies in Australia and Van Diemen's Land (Tasmania) before the system was abolished.¹⁰⁷

Floggings, scourging, strangling (of women), and branding (a means of marking repeat offenders as well as a punishment) were carried out. Prisons were stocked with flogging ropes, graded by type and thickness. In 1826 the landdrost of Albany reported as follows: A rope 1 1/2" in circumference and 25" long was 'in general use' while one 2 1/4" around and 25" long was 'far too heavy' and 'but seldom used'. A rope intermediate in size had been worn out. Children arrested for theft were generally flogged by their parents, if Hottentots, with three small cords, somewhat resembling a Soldier's Cat, which I have

¹⁰⁶ CA, 1/GR 10/9, District Surgeon-Civil Commissioner, 13/8/1829; 1/GR 16/46, Civil Commissioner-Resident Magistrate, 18/12/1829. For the clergy's role see, e.g. 1/GR 16/44, Civil Commissioner-Rev. A. Murray, 18/2/1828.

¹⁰⁷ V.C. Malherbe, 'Khoikhoi and the Question of Convict Transportation from the Cape Colony, 1820-1842', SAHJ, 17, Nov. 1985, pp. 19-39. More were sentenced, but reprieved.

substituted for the smallest cord on account of even that being far too heavy to be used on those of tender years.¹⁰⁸

A second flogging might be reserved for when the sentence was completed - it being understood that good behaviour earned a waiver. Many prisoners completed sentence on the public works - where some attempted to escape, as noted above. Escaped convict Platje Damant was discovered when two fellow Khoi, collecting firewood for a farmer, stumbled on the hut where he had hoped to hide.¹⁰⁹

`[C]onfinement in Gaol connected with Labour is one of the punishments which we have recommended to be substituted for corporal punishments of a degrading nature', the Commissioners advised.¹¹⁰ A treadmill had already been introduced, and the notion of a workhouse in Cape Town for the 'most abandoned class of females' was applauded:

In so far therefore as the punishment of these females is concerned (and they generally consist of Hottentots who arriving with Farmers from the Country Districts are thus thrown without protection into all the temptations of a large Town), we think that the proposed workhouse ... will form a most desirable relief to the Gaols ...¹¹¹

Bank has observed: 'Benthamite prisons and tread-mills represent the one notable area of overlap' in the ideas of humanitarian liberals and conservatives. 'Enlightened' policies of this kind

¹⁰⁸ CA, 1/AY 9/5, No. 71, Landdrost-Plasket, 11/7/1826, pp. 148-49.

¹⁰⁹ CA, 1/AY 1/3, No. 578, 13/10/1825.

¹¹⁰ Theal, RCC, 35, Report ... 10/5/1828, p. 160. In another report the commissioners opposed the 'punishment of free persons by flogging either in prison or in public, especially for breaches of contract or of the laws of revenue', RCC, 33, Report ... 18/8/1827, p. 98. Resort to corporal punishment could occur with perceived increases in the level of crime: Ignatieff reports 100 lashes administered in 1829, A Just Measure of Pain, p. 173.

¹¹¹ Theal, RCC, 35, Report ... 10/5/1828, p. 159. A House of Correction for women was established in Cape Town in 1827, prior to the publication of this report, P. van der Spuy, 'The Involvement of Women in Violent Crime as Processed by the Institutions of Justice in Cape Town, 1860-1879', B.A. (Hons), University of Cape Town, 1989, p. 92.

were far from being uncontested in Britain, where the same objections raised in the colonial setting of the Cape were heard. Colonists who believed that indigenes enjoyed being housed and fed in jail were matched by Britons who claimed that offenders (most of whom were poor) preferred these 'comfortable asylums' to living free.¹¹²

Inhabitants who scrupled to take the law into their own hands, sending Khoisan to the drostdy to be punished, had sometimes to be made to understand that even the officials could not act without a prior investigation of the charge 'in presence of the accused'.¹¹³ The prisons were chronically overcrowded, understaffed, and in want of basic supplies. Despite these facts, acknowledged in the correspondence, officials found it hard to accept prisoners' complaints as well-founded. Thus in 1824 it was suggested that the prison chaplain had incited prisoners to complain.¹¹⁴

The most important reform of the judicial system affecting the welfare of the Khoisan was the introduction in 1811 of the Circuit Court. The so-called 'Black Circuit' of 1812 has overshadowed the effects of what became a twice-a-year event when judges of the Court of Justice toured the interior drostdies, heard certain cases, and filed reports containing observations and recommendations for improving the administration of justice.

¹¹² 'Liberals and their Enemies', p. 107; Ignatieff, A Just Measure of Pain, p. 175 (the complaint that Khoisan who laid charges were detained pending the hearing while the colonists they accused remained free is another example of a practice which was a feature also of the British system, p. 133).

¹¹³ CA, 1/AY 9/5, Landdrost-Major Molesworth, 20/6/1826, p. 14. It had also to be explained that no bounty would be paid to settlers who made arrests, although the costs incurred could be claimed, *ibid.*, Landdrost-Biggar, 23/9/1826, pp. 171-72. Transporting prisoners was 'a Burgher duty', CO 2705, No. 217, Onkruidt-Bell, 20/9/1828, p. 234.

¹¹⁴ CA, 1/AY 1/1, 6/11/1824. Re overcrowding see e.g. CO 2705, No. 266, Hart-Bell, 19/11/1828, pp. 476-79; CO 2712, No. 4, Campbell-Bell, 2/1/1829, p. 17.

Giliomee suggests that the strategy adopted by the missionaries which brought a large number of Khoisan complaints before the 1812 circuit may not have been an unmixed blessing for their proteges but, on balance, it resulted in 'spreading a greater awareness of the position of the Khoikhoi and ... inducing the government to a broader commitment to equal justice for all classes'.¹¹⁵ The Commissioners of Inquiry criticised the fact that prisoners were undefended and thus 'exposed to the full weight of local influence and to the effects of their own unassisted ignorance'.¹¹⁶ At many points they drew attention to the different treatment meted out to burghers, 'inhabitants', or Christians, on the one hand, and to the other 'classes' of free persons, and also slaves.

The Khoisan and the law

The interactions with officials and with missionaries which suffuse the sources afford a wealth of data and yet leave the matrix of Khoisan daily life obscure. Especially problematic is the importance to be assigned to court and magisterial records which imply an all-pervading adversarial relation of infringement and enforcement of the law. Some evidence, at least, shows that the Khoisan viewed the courts as places to seek justice and redress of grievance, or even to expose misdeeds entailing no loss or injury to themselves. What, for example, may be surmised from the Khoi Flin Flink's absconding with 'an Elephant's tooth', claiming when charged that he had done so not for his own enrichment but to prove that elephants were being shot illegally beyond the Great Fish River. He was believed because he was found with the tusk 'waiting before the Court House and in the Public Street'.¹¹⁷

¹¹⁵ 'The Eastern Frontier', pp. 454-55.

¹¹⁶ Theal, RCC, 33, Report ... 18/8/1827, p. 77.

¹¹⁷ CA, 1/AY 1/3, No. 589. Though cleared of theft, Flink failed to prove that he deserted to escape abuse: An English servant denied his master's guilt and swore that Flink had deserted before. When he refused to serve out his contract, the court condemned him to 35 lashes and forced him to return.

Khoisan figure largely in the official Day Books recording requests (e.g. for passes) and (mainly) petty offences. Many cases were settled on the spot: Permissions, contracts, domestic punishments,¹¹⁸ letters of demand for wages not paid or property withheld from the rightful owner. Others were brought before the court. It seems that, prior to Ordinance 50, Khoisan appeared seldom in civil courts.¹¹⁹ At least some disputes where they clearly had a winning case were settled behind the scenes: When Booy Cupido was detained for cattle theft and it was easily proved the animals were his own, he secured restitution and also claimed 'remuneration for his false imprisonment'.¹²⁰ A month before Ordinance 50, Piet Draay of Bethelsdorp succeeded in a civil suit against a farmer who detained his ox.¹²¹ But Sanna Windvogel, also of Bethelsdorp, waited until 1829 to press a claim on Ruyter Jager for midwifery services to his wife performed in 1826 (in the event she failed, 'in consequence of her not being Licenced to act as a midwife and therefore not entitled to make a charge').¹²²

A few complaints developed into lengthy wrangles or turned upon some arcane point, providing intriguing clues as to the ambience in which the Khoisan lived and worked. On 23 February 1828 Hendrik Uithaalder of Bethelsdorp accused his employer, Whiskin, of non-payment of wages, a charge which the latter denied.

¹¹⁸ Domestic punishment (which was distinct from public punishment) was defined as corporal punishment inflicted by masters, or at prisons at the direction of masters, and was associated primarily, though by no means entirely, with the punishment of slaves, see Theal, RCC, 33, Report ... 18/8/1827, pp. 31-32, 35-38, and Evidence of D. Denyssen, pp. 239, 241.

¹¹⁹ The question arises whether the Fiscal was cynical when he advised ten Khoisan with complaints against the pachter, Stietz, of George to seek redress in the civil court, CA, CO 300, No. 84, Denyssen-Plasket, 13/10/1827.

¹²⁰ CA, 1/UIT 15/127, District Secretary-Resident of Port Elizabeth, 11/9/1827.

¹²¹ CA, 1/UIT 7/1/1, Case No. 16, 23 June 1828.

¹²² CA, 1/UIT 7/1/1, Case No. 141, 11/6/1829.

Uithaalder sought redress by civil suit. In the town of Uitenhage were derelict barracks which had stood empty for nine years. Mud walls and some thatched roofing were all that remained of two large buildings, meant to house a hundred men, which the Cape Corps had built.¹²³ When Uithaalder, in pursuit of justice, brought his witnesses to town they occupied the barracks overnight. The jailer found them there and ordered them out. After he left he heard them laughing, on which 'he then got in a passion, went up to them, and beat them with a sjambok which he had in his hand'. This time he evicted them and warned them not to trespass again.¹²⁴ (Soon after, when a general dealer applied to use part of the structure to store casks of salted beef, the civil commissioner supported the request.)¹²⁵

It is clear (remembering Flin Flink, above) that Khoisan were familiar with the uses of the law. Uithaalder is an example. Two decades earlier his daughter, Catryn Steven, had charged a trekboer couple with a vicious beating and rubbing salt into her wounds - one of the numerous complaints which had been pressed by Read and Van der Kemp. Uithaalder, who was a private in the Cape Corps at the time, was granted leave to testify before the 1812 Commission of Circuit. Years later, as seen above, he took the chance presented by a civil suit to claim what he regarded as his due from his employer. In 1829, he was again in court. This time he claimed Rds 300 (L22.10.0) in damages from Lambert Hendrik of Enon for defamation at the government saltpan where, he alleged, Hendrik had said he was 'the greatest intriguer and

¹²³ CA, CO 33, Description of Uitenhage by T. Arbuthnot, 23/11/1811; CO 2702, Application by Heugh & Co, 3/4/1828, see Civil Commissioner-Acting Secretary to Government, 12/4/1828; Ben MacLennan, A Proper Degree of Terror, John Graham and the Cape's Eastern Frontier, Johannesburg: Ravan Press, 1986, p. 83.

¹²⁴ CA, 1/UIT 9/1, 23/2, 27/2 & 28/2/1828.

¹²⁵ CA, CO 2702, Civil Commissioner-Acting Secretary, 12/4/1828. Heugh & Co. received permission to occupy 'Government buildings forming part of the old Barracks', 1/UIT 10/13, 6/5/1828.

the greatest rogue in existence'.¹²⁶ Whether or not Uithaalter was exceptionally litigious, his approach to seeking justice with respect to colonist and fellow Khoi was to join battle in a court of law. On the government side, it appears that the wasted potential of the disused barracks had not been a pressing concern before their temporary occupation by Khoisan - who, in all likelihood, had nowhere else in town to spend the night.¹²⁷

Typical offences committed by Khoisan when in the towns were failure to observe the curfew, alleged neglect of duty, receiving stolen goods, and drunkenness which led to abusive language and to fighting in the streets and near canteens.¹²⁸ While drunk, Klaas Gert (alias Hoedje) abused the butcher and when asked to leave the shop cried out, 'Damn your bloody eyes, will you fight me?' Such behaviour was punishable in terms of regulations which defined it as a public nuisance (Hoedje was arrested and given 25 lashes).¹²⁹ At a deeper level it infringed unspoken norms whereby Khoisan submission to the social order was signified by deference in their dealings with colonists. Gerald Mullin's observations regarding the responses of a dominant class to the disquieting expressions laid bare in vino veritas are relevant here.¹³⁰

¹²⁶ CA, 1/UIT 5/2, No. 73, 24/10/1829; 1/UIT 15/1, Cuyler-Lt. Colonel Lyster, 25/8/1812; Theal, RCC, 9, Report of G. Beelaerts van Blokland to H. Alexander, 10/2/1814, p. 343.

¹²⁷ An Old Barracks structure known as the Slave Church and intended for use as a schoolroom for slaves and Khoisan was much in need of repair, CA, CO 2703, No. 295, 11/10/1828.

¹²⁸ CA, 1/UIT 9/1: 29/1/1828, 25/2/1828, 19/3/1828 & 6/5/1828.

¹²⁹ CA, 1/UIT 9/1, 25/2/1828. The following year Gert was charged with multiple assault, 1/UIT 16/58, 10/6/1829.

¹³⁰ Gerald W. Mullin, Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia, New York: Oxford University Press, 1972, p. 100.

The reformed district government was scarcely in place (1 January 1828, see Chapter 3) before some white inhabitants alleged that since 'the introduction of the new system of magistracy' there had been an increase in crime. The police, they believed, were hampered by a lack of 'proper measures to detect robberies by searching suspected Houses'. Hitherto all those below the rank of burgher (free blacks, 'Hottentots', 'Malays') had been 'subject to the special surveillance of the Magistrates' who could proceed without a warrant of the governor to enter and search their homes. This distinction had apparently been waived in conformity with the broad movement towards equality before the law.¹³¹

Also, the memorialists claimed, the constables (of whom the town had seven) went about unsupervised since their superior could not leave the jail. Frequently they were drunk. For example, a horse impounded at Uitenhage was lost on account of 'the drunkenness and negligence of the black constable Hendrik Manus' - a charge Manus did not refute. And Karel Cupido, the Khoi herd for a government-owned flock of Merino sheep, complained that 'William Nelson, Black Constable at this place ... assaulted and beat him in the street', to which Nelson replied that 'he was intoxicated, and did not know what he was about'.¹³²

In short, an impression that the justice system was undermined by the pre-Ordinance 50 reforms while enforcement structures remained weak was widespread among the colonists. For the Khoisan's part, their reaction is difficult to separate out from their responses shortly after to the July ordinance. The point

¹³¹ CA, CO 3938, No. 541; 1/UIT 15/54, Aspeling-P. Heugh & other signatories, 12/1/1829; AG 44, Fiscal-Commission of Inquiry, 27/1/1825, p. 51.

¹³² CA, 1/UIT 9/1, 25/2 & 21/4/1828 (Nelson was sentenced to receive 25 lashes). A government-financed flock of Merino sheep was kept at drostdies so that rams, to improve the breed, were available to district farmers.

has been to look at their awareness of and access to the law as an instrument of redress and of settling quarrels.

Khoisan and people of other 'races': Sexual relations

In Racism, Robert Miles provides a history of ideas shaping the 'representations of the Other' by selfconscious groups from Greco-Roman down to modern times. The idea of 'race' as a significant human differential entered the English language in the early sixteenth century, and has evolved through many formulations since. In the course of this process 'social relations between people of different "races"' - 'race relations' - became a subject of intense debate. The nineteenth century saw the elaboration of theories (which had originated in late-eighteenth century thought) that 'racial' differences are biological and natural and thus 'inherent and unalterable'. 'Race' became 'one ideological form by which to include and exclude human beings within the political collectivity of the nation state'. In colonial settings, where homogeneity was not to be expected, sexual relations which resulted in 'mixed blood' presented problems for social ordering which collectivities resolved in various ways.¹³³

Miscegenation¹³⁴ in the seventeenth and eighteenth centuries at the Cape is discussed in The Shaping of South African Society. The evidence with regard to enhanced social mobility for persons of mixed blood, compared with indigenes and slaves, is negative on the whole.¹³⁵ The bars to legal marriage (see above) and

¹³³ Miles, Racism, pp. 31, 38, 130. Bank closely follows Miles' analysis but does not accept his rejection of the term 'race' (while retaining 'racism'), 'Liberals and their Enemies', p. 10 (n. 17) and passim. For 20th century racism with a useful discussion of 19th century thought, see John M. Coetzee, 'The Mind of Apartheid: Geoffrey Cronje (1907 -)', Social Dynamics, 17(1), 1991, pp. 1-35.

¹³⁴ See Introduction, n. 6.

¹³⁵ Richard Elphick & Robert Shell, 'Intergroup relations: Khoikhoi, settlers, slaves and free blacks, 1652-1795', pp. 194-204. See also Elphick and Giliomee, pp. 537-38.

resulting bastardy of children contributed to the low status accorded the offspring of many unions - the name 'Bastard',¹³⁶ bluntly designating some. It has been argued that the 'somatic norm image' cherished by Dutch and British colonists - who were fairer than most other Europeans - was a major factor in the racial structuring of the social hierarchy. Advantages did accrue to those part white, especially if baptised Christians. Some Bastards held land, or did less menial work than was the lot of rural slaves and the Khoisan.¹³⁷

By the nineteenth century, Bayly has said, there was in Britain 'a deep distrust of miscegenation' which was believed to corrupt 'a race's moral sentiments' and signify decline - though some argued that mulattos could be useful to the ruling caste.¹³⁸ A long history of cohabitation involving Europeans, slaves and Khoisan at the Cape encouraged commentators to illustrate their theories about 'racial mixing' with examples from life. Barrow believed that 'The Hottentot girls in the service of the colonists are in situations too dependent to dare to reject the proffered embraces of the young peasantry'. The offspring were 'smart and active' and, being numerous, would supplant the 'pure Hottentots'.¹³⁹ A few years later Campbell alleged that 'Nothing disgraces a Boor more than to have illicit connection with a Hottentot'. The 'spurious offspring' of such a union was banished from the father's house when of an age to 'know what he is, and

¹³⁶ P. van der Spuy suggests that bastards were 'socially dead' in the sense applied to slaves (noting also that 'the slave is almost always a bastard'), 'A Collection of Discrete Essays with the Common Theme of Gender and Slavery at the Cape of Good Hope, with a focus on the 1820s', M.A. Dissertation, University of Cape Town, 1993, p. 180.

¹³⁷ Elphick and Giliomee, 'The origins and entrenchment of European dominance', p. 525. See also pp. 100, 201, 370, 373, & 458 in Shaping. Some urban slaves performed skilled work.

¹³⁸ C.A. Bayly, Imperial Meridian, the British Empire and the World, 1780-1830, London: Longman, 1989, pp. 143-44, 153.

¹³⁹ Barrow, Travels, I, p. 97.

to tell it to others'.¹⁴⁰ To impress on officials and philanthropists the need for closer British control over the Cape, a writer added incest to the misdeeds of colonists, citing one who boasted that he 'washed the blackamoor white' by fathering several generations - each new one off the last. Another wrote that the phenomenon of 'whitening' meant that persons of mixed race would 'grow continually fairer', so that the 'creole white' could be expected to augment the ranks of ('pure') white colonists.¹⁴¹

The assumption in much of this speculation was that the Khoisan must be improved by any mixing which took place. When, in the 1830s, Donald Moodie presumed to assess the experience by the 'colored classes' of colonial life, he claimed that so-called 'Hottentots' who 'had given proofs of some disposition to acquire and preserve property' invariably were persons of mixed race. From his examination of 'industrious persons of color', he satisfied himself that all 'were the children of Hottentots or bastard mothers, but of white or slave fathers'.¹⁴²

That being the case, one had to ask why 'superior' individuals often claimed to be Khoisan who, of all the 'races', were by consensus least esteemed. Politics, in Moodie's view, accounted for this: For so long as Khoisan interests occupied the limelight in Britain, opportunists would seize the chance of favoured treatment. The LMS celebrity, Andries Stoffel, was presented as a case in point, pretending to be 'a Gonah captain' (or else a 'Hottentot') when, in fact, he was a Xhosa. The Khoikhoi-speaking

¹⁴⁰ Theal, RCC, 9, Considerations why Hottentot Kraals should be allowed to receive Instructors among them, enclosed in Campbell-Cradock, 21/1/1814, p. 312.

¹⁴¹ Theal, RCC, 11, R.B. Fisher-Bathurst, 13/9/1816, & enclosure, Fisher-Wilberforce, p. 177; Bird, State of the Cape of Good Hope in 1822, pp. 358-59.

¹⁴² CA, VC 888, Donald Moodie, Essay on 'the social position of the colored classes in this portion of the colony from the year 1786', c. 1836, pp. 16-17.

Gonaqua, as Moodie must have known, were products of Khoi-Xhosa mingling. There seems no reason to doubt Stoffel's Gonah origins, which readily account for a familiarity with Xhosa culture.¹⁴³

Little analysis of contexts in which 'racial mixing' took place has yet been carried out. Considering the apprehensions of the (white) frontier settlers with respect to 'savages' - a term applied to persons in their midst - it is curious to note how settler females were exposed to bodily assault. While herding her father's sheep, twelve-year-old Elizabeth Dyason was attacked and raped by Spogter Kieviet who jumped, naked, from some bushes saying 'you shall be my wife'.¹⁴⁴ In 1822 a Cape Corpsman, Jan Hermanus, of the Blauwkrans River Post was charged with robbing, assaulting, and (it would appear) raping Emma Challis. Hermanus, wearing only 'a pair of leather trowsers', found her riding alone and dragged her behind a bush. The young woman lay unconscious for perhaps two hours before she woke and found her horse.¹⁴⁵ In 1826 the 'Hottentot Adam Galliard' (Goliath?) was charged with two assaults with intent to rape - one against a British settler wife - after escaping from prison where he was held on an earlier offence. This case presents a chance to consider how a charge of rape against a (notably vulnerable) 'Hottentot' may have appeared to low-status whites as an acceptable strategy in order to divert attention from their own delinquencies and legal scrapes.¹⁴⁶

Liaisons across the Khoisan-white divide were dangerous for Khoisan males whether the relationship was voluntary or not. As

¹⁴³ Elbourne states that Stoffel was once captured by Xhosa and learned the language, 'Early Khoisan Uses of Mission Christianity', p. 25.

¹⁴⁴ CA, CO 2662, No. 110, Trial of Spogter Kieviet for assaulting and stealing earring of Eliz. Dyason, 12/8/1824 (see also No. 137).

¹⁴⁵ CA, 1/AY 1/1, 7/9/1822 & 2/10/1822.

¹⁴⁶ CA, 1/AY, 9/5, Landdrost-Berrange, 24/1/1826, pp. 38-39 & No. 81, Landdrost-Plasket, 8/8/1826, p. 162; 1/AY 3/1/1/1/2, No. 671, 12/10/1826 & No. 676, 5/1/1827.

the Commissioners of Inquiry pointed out, a statute still in force 'punishes with death the intercourse (altho' unattended with violence) of a Heathen, Mahomedan, or slave with a Christian woman'. The tendency to extend laws 'applicable only to the servile class' to the Khoisan had meant that this law 'was manifested towards a Hottentot with a degree of severity which was ... invidious and unjust'.¹⁴⁷

The records yield rare examples where white women entered voluntarily into sexual relationships with men of colour. In 1811 the sixteen-year-old daughter of the farmer, Peter Terblans, eloped with the Khoi Cobus. They went to an abandoned loan farm between the upper ends of the Gamtoos and Zwartkops rivers where some Xhosa allegedly found them, stabbing Cobus to death and wounding the girl so severely that her recovery was in doubt.¹⁴⁸ The account is disappointingly sketchy but what has been recorded suggests that attraction between white females and Khoisan could and did result in sexual liaisons despite the countervailing prejudice.

In 1818, Lieutenant Martin Fleisher charged James Swan, the land surveyor of Uitenhage, and other persons with libelous assertions of misconduct concerning his daughter Margaret and a 'Hottentot', by which her reputation was ruined. Swan denied that he had spread reports but acknowledged his interest in her behaviour:

I cannot refrain mentioning the secret grief I have frequently felt at observing Miss Fleisher's intimacy with those, far under her sphere in life, and often cautioned her against it, long before the Public Eye saw, or even private suspicion reached her.

¹⁴⁷ Theal, RCC, 33, Report ... 18/8/1827, p. 9. They noted just one case of this sort. Van der Spuy on patriarchal control over male servants' sexuality prior to the legal reforms of the 1820s may be relevant here, 'A Collection of Discrete Essays', p. 241. A certain Cornelis Goeiman claimed to be the son of a Khoi man and Dutch woman, 'a mixture as rare, as the converse is common', Burchell, Travels in the Interior, II, p. 110.

¹⁴⁸ CA, 1/UIT 15/1, Cuyler-Fiscal, 6/2/1811.

When he noticed that her friendship with 'a certain Bastard girl' had waned, he made it his business to find out from the 'said Katje' what was going on and learned that she was jealous of the gifts Miss Fleisher made to William, and her being in his company after dark. 'I may have joined with others in censuring the impropriety of such behavior in one of her rank and prospects', Swan confessed. It must be supposed that the young woman was not pregnant by William ('de Nonje Flescher een dikke buik had'), as had been put about, since her father sought to clear her name in court. Swan's co-defendants - a slave, two Khoisan women, and a farmer's wife - had each been close to the affair. The incident invites closer attention than is given here to the motives of these representatives of intimate, yet 'racially' divided groups in their response to unconventional behaviour of this sort.¹⁴⁹

Occasionally the records hint in passing of an inter-racial marriage. For example, when Betje Scheepers, 'Hottentot', testified in court she was mentioned simply as the wife of 'Mr. B. Green'.¹⁵⁰ A British settler, William Gray, requested that 'a young woman of colour (whose Father was a Scotsman belonging to the 21st Regiment of Light Dragoons)' and who was pregnant by him should be released from 'forced' service with a colonist so that they could marry as he wished.¹⁵¹ More common was the out-of-wedlock birth of children of such unions, like that of Adriaan in Beaufort district. In May 1828, William Luck asked to indenture, to age 18, the 12-year-old 'Bastard-Hottentot'

¹⁴⁹ CA, 1/UIT 14/9, No. 2, 20/8/1818. Margaret's alleged lover was sometimes called a Bastard-Hottentot. On 24/4/1823 she married James Rose Innes, then head of the school in Uitenhage and later the first superintendent-general of education in the Cape Colony, DSAB, I, pp. 397-99 (where her name is shown, in apparent error, as Mary Anne). See also the announcement of her father's death in SACA, 15/8/1829, where his five children, 'all of whom he brought up respectably', are named.

¹⁵⁰ CA, 1/AY 1/2, No. 545, 8/7/1825.

¹⁵¹ CA, CO 3926, No. 243, 23/6/1824 (thanks to M.D. Nash for this reference). Though Gray's request was granted, it appears the marriage may not have taken place, see 1/UIT 5/9, pp. 19-21.

Adriaan. Luck described himself as 'a friend of [the late] Mr. Bower who I have learnt is the father of him'. His purpose, he said, was 'that I may have him instructed in the Christian religion'.¹⁵²

Missionaries who married Khoisan women experienced disapproval from most whites, including some of their fellow missionaries. Read's marriage to Elizabeth Valentyn survived his confession of adultery with the daughter of a deacon in his church.¹⁵³ The experience of Khoi women who became missionary wives beckons as a focus of inquiry - if sufficient material can be found. The biographer of an English missionary wife assumes she can have found no satisfactory companionship when reliant solely on the Reads - 'Mrs. Read being a Khoi'.¹⁵⁴

Ordinance 50 of 1828

For the majority of Khoisan in the eastern districts, 'law, custom and daily life' were experienced in the context of their servitude on white-owned farms. Aside from the evidence in criminal record books, the observations of outsiders (the missionaries, or writers such as Thompson and Pringle), and the retrospective accounts of Khoisan who were secure enough to speak their minds (Kat River men,¹⁵⁵ in 1834), ostensibly protective

¹⁵² CA, 1/GR 10/8, William Luck-Civil Commissioner, 9/5/1828. The father was almost certainly W.W. Bower, land surveyor, who died on 30/4/1828, see Peter Philip, British Residents at the Cape 1795-1819, Cape Town: David Philip, 1981, p. 35.

¹⁵³ Doug Stuart examined the records of the LMS meeting in Cape Town in August 1817 where 'immoralities' were discussed and the culprits censured or, as with Read, suspended from their posts, 'The "Wicked Christians" and the "Children of the Mist": Missionary and Khoi Interactions at the Cape in the Early Nineteenth Century', CSP, 44, 1992, pp. 1-13. See also Sales, Mission Stations and the Coloured Communities, p. 57.

¹⁵⁴ Karel Schoeman, 'A thorn bush that grows in the path', The missionary career of Ann Hamilton, 1815-1823, Cape Town: South African Library, 1995, pp. 26, 30.

¹⁵⁵ Throughout, the lives of women are infinitely harder to reconstruct than those of men.

laws like that of 1 November 1809 are windows on that relationship. The records, on the whole, tell more of soldiers, mission residents, and Khoisan seeking independence 'in the bush' than of the largest category, those living in family groups among the (white) landowners. Yet it was the legalised discrimination with respect to this now less-visible group - deplored in certain quarters on moral or on economic grounds, and resisted by the Khoisan themselves - which was the focus of reforms embodied in Ordinance 50 of 1828.

The British governors, and certain Dutch among the coterie attached to them, had come to believe that 'direct applications of power' by frontier officials and patriarchal masters, if left unchecked, presented an ongoing political risk.¹⁵⁶ The perception coincided with the flowering of liberal ideology and, in Keegan's words, 'rhetorical commitment to the legal formalities of equality and freedom'.¹⁵⁷ By the 1820s, some officials with long experience of the old system argued that 'Hottentots' should be assimilated to colonial laws applying to free burghers. Cuyler wrote:

The time may not be distant when the other restrictions [besides apprenticeship of Khoisan children], such as requiring passes &c, under which they labor, may also be done away with and they may be placed in every respect under the very same regulations as other inhabitants of the colony.¹⁵⁸

On 3 April 1828, Stockenstrom composed an influential document proposing an end to legal distinctions 'between the several classes of the free inhabitants'. In the same breath he outlined a system of vagrancy control wherein - despite his reprobation of the 'obligation to show passes to any ... [white]' - passes and arrests by 'every inhabitant' were still to play a part. Interestingly, Stockenstrom pointed out that to be certain of

¹⁵⁶ du Toit and Giliomee eds, Afrikaner Political Thought, p. 81.

¹⁵⁷ Colonial South Africa, p. 13.

¹⁵⁸ Theal, RCC, 34, Cuyler-Plasket, 23/5/1827, p. 419.

rooting out discrimination 'scattered through ... enactments' other than those specific to the 'Hottentots' (or the free blacks), it was desirable 'to frame one comprehensive law, embracing all free inhabitants without reference to colour or name of the tribe'¹⁵⁹ - advice which was not followed.

Compared with the lengthy process which preceded the framing and promulgation of Ordinance 49, by which 'tribesmen' from beyond the frontier were allowed to enter the colony to work, Ordinance 50 appears to have come before the Council of Advice with little advance preparation. In fact, the ordinances were linked and intended to form a trilogy with the passage of a vagrancy law.¹⁶⁰ At precisely this time - July 1828 - burghers and mission Khoisan were called upon to reinforce the regular units (including the CMR) because of the alleged advance of Shaka's Zulu which, it was feared, would force the Xhosa to fall back onto the colony.¹⁶¹ Confusion attended this episode in which the military first misidentified the 'enemy' and then mistook the nature of the conflict in which it was embroiled.¹⁶² Donaldson suggests that this diversion may explain Bourke's failure to present the draft vagrancy ordinance he had in mind as an essential adjunct to the labour policies embodied in Ordinances 49 and 50.¹⁶³

¹⁵⁹ Hutton ed., Autobiography, I, pp. 286-91. Emphasis in the original.

¹⁶⁰ Donaldson, 'Council of Advice', p. 234.

¹⁶¹ CA, CO 2702, Civil Commissioner, Uitenhage-Acting Secretary, 12/7/1828; 1/UIT 15/12, Civil Commissioner-Fritsch, 16/7/1828; Le Cordeur & Saunders eds, Kitchingman Papers, p. 98. Over 50 Bethelsdorp men, 171 of 'Bosac's Hottentots' (Theopolis), and 15 from Enon turned out, with a contingent due from Hankey.

¹⁶² J.B. Peires, The House of Phalo, A History of the Xhosa People in the Days of their Independence, Johannesburg: Ravan Press, 1981, pp. 86-87; CA, AC 12, Papers relative to the invasion of the Native Tribes, July-Sept. 1828; GH 23/9, Cole-Murray, No. 8, 31/1/1829, p. 81.

¹⁶³ Donaldson, 'Council of Advice', pp. 380-81. In addition to other evidence that this had been his plan, she notes that Clause 2 of Ord. 50, which refers to trial for vagrancy 'in due course of Law', 'implied the existence of such a law', p. 387.

On 17 July 1828, Ordinance 50 became law. On 15 January 1829 it was approved by the King-in-Council with the addition of a clause prohibiting the ordinance's amendment or repeal without the sanction of the Crown - the provision which later led to the disallowance of a vagrancy law.¹⁶⁴ The missions welcomed Ordinance 50 with thanksgiving services, though it is not clear who - the missionaries or the Khoisan - instigated these. James Read reported that the people at Bethelsdorp 'have not been much elated at hearing of the liberty; in fact, it will not so much affect them, except in the pass system, which is now done with'. Later he added that what was needed was for government to 'give land to the Hottentots'. However, Sales notes that Bethelsdorp experienced a religious revival which may have been due to this 'victory in the political sphere'.¹⁶⁵

James Kitchingman of the LMS¹⁶⁶ was so disturbed by the reaction of the white colonists that he hung back from handing copies of the ordinance to them: "[T]he prejudices of the inhabitants here run so high against it that perhaps it may injure my usefulness among them if I become the distributor of them. It grieves them to the heart to see their old system of oppression shaken". This

¹⁶⁴ CA, CCP 8/1/24, Government Gazette, Ordinance 50 published 25/7/1828, & as ratified by the King-in-Council, 3/7/1829. For Philip's part in these events, see Macmillan, CCO. For documents brought before the British government, see Theal, RCC, 30, Hankey-Bathurst, 22/1/1827, pp. 119-28, with Annexures I (Philip-LMS Directors, Nov. 1826) & II (regarding the opgaaf proclamation of 1/4/1814). For British politics supportive of Khoisan emancipation, see Robert Ross, 'James Cropper, John Philip and the Researches into South Africa' in Hugh Macmillan & Shula Marks eds, Africa and Empire, W.M. Macmillan, Historian and Social Critic, University of London, 1989.

¹⁶⁵ Mission Stations and the Coloured Communities, p. 99; Elphick & Malherbe, 'The Khoisan to 1828', p. 48, citing: Le Cordeur & Saunders eds, Kitchingman Papers, p. 98. Possibly the muted response to Ordinance 50 was due, at least in part, to the 'business of Chakka' which had drawn off many active Bethelsdorp men (Read referred to both events in the same letter but did not note a connection).

¹⁶⁶ Kitchingman, shortly to be transferred to Bethelsdorp, was still at this time at Paarl.

contrasts with Stockenstrom's view that the 'new laws with reference to Hottentots and the agitation of slave emancipation' caused little stir among the 'Dutch': '[N]othing more than ... [a vagrant act] was necessary to reconcile the Colony to that law within six months. I deny that there was a general feeling against the freedom of the Hottentots'.¹⁶⁷

The evidence suggests, in fact, a widely held belief that too much 'equality' had been conferred.¹⁶⁸ Bank's study of racial ideology revealed 'a massive public outcry' in the wake of Ordinance 50: 'at least thirty letters' on the subject (most, but not all hostile) appeared in the liberal Fairbairn's English-language South African Commercial Advertiser in the first few months and many more thereafter. The English settlers, Bank explains, were 'strongly informed by ... eighteenth century notions of restricted liberty within the social compact'.¹⁶⁹ Many among the Dutch refused to accept that their own rights were not infringed by the doctrine of equality before the law, believing that the Khoisan 'should have a completely different - and lower - legal and civic status from their own'.¹⁷⁰ From April 1830 a Dutch-language paper, De Zuid-Afrikaan, provided a platform for anti-emancipation (slave and Khoisan) views.

¹⁶⁷ Hutton ed., Autobiography, I, p. 292 & II, p. 8; Kitchingman's journal, 6/10/1828, in Cordeur & Saunders eds, Kitchingman Papers, p. 100.

¹⁶⁸ On this, Macmillan points out: 'The Ordinance did not ... as is still sometimes supposed, place the Hottentots upon a footing of absolute equality with the white colonists; the very wording ... gives it special application ... [and] the detailed regulation of conditions of service was expressly class legislation', CCQ, pp. 212-13. Marais equivocates, saying that although '"class" legislation became taboo in 1828', it 'in fact if not in form, continued to find its way on to the Colonial statute-book', CCP, p. 158 & n. 1.

¹⁶⁹ Bank, 'Liberals and their Enemies', pp. 171, 208-09. Read cited the English settlers as most opposed to Ordinance 50, and vociferous in pressing for a vagrancy act, CA, ZL 1/3/9, Box 11, Folder 3D, Read-Orme, 30/7/1829. He mentions the help of Saxe Bannister (see below) in opposing vagrancy legislation.

¹⁷⁰ Du Toit and Giliomee, Afrikaner Political Thought, p. 84.

The Khoisan response which contemporaries focused upon was their alleged abandonment of steady work in favour of short term employment (or no employment at all) and migration to the towns. Khoisan 'character', or 'nature', had long been measured against a hierarchy of settler needs, with labour counting most. In the words of the landdrost of Albany, writing to Commissioner Bigge: 'The Hottentot in his nature is slothful and indolent; and possessing no principle is under the influence always of self indulgence and vicious propensity'.¹⁷¹ Settler utterances with regard to the quantity and quality of Khoisan labour became no less strident with the new limitations on coercive powers. They dwelled upon the 'inertia of mind', improvidence, vagrant habits and, when hunger or temptation triumphed, the thievishness of the Khoisan. E. D. Genovese has said:

A ruling class consolidates its hegemony precisely by presenting itself as the guardian, even the embodiment, of a moral code much of which represents the interests and sentiments of all classes and by disguising the purely exploitative and manipulative features of the prevailing code.¹⁷²

In his study of British economic policy after the Napoleonic wars, Boyd Hilton concludes that the Liberal Tories who were in government had imbibed the view that economic life 'was a state of moral trial'. Clergymen (the Scots cleric, Thomas Chalmers, was one) had the ear of William Wilberforce and other 'Saints', thus holding enviable sway compared with the leading economists of the day. Under their influence, the government sought ways 'to reconcile the truths of Christianity and commerce'. This was the outlook of 'evangelical morality' with which John Philip was imbued.¹⁷³

¹⁷¹ CA, 1/AY 9/5, Landdrost-Bigge, 8/5/1827, pp. 271-73. The signifying nature of 'propensity' has been noted above.

¹⁷² Eugene D. Genovese, Roll, Jordan, Roll, The World the Slaves Made, New York: Vintage Books, 1976, p. 608.

¹⁷³ Corn, Cash, Commerce, The Economic Policies of the Tory Governments 1815-1830, Oxford University Press, 1980, pp. 308, 313. The Liberal Tory Liverpool was prime minister from 1812 to 1827. Thomas Chalmers focused to an exceptional degree (for a

By focusing on 'civilisation', Philip could at once endorse the moral code, champion the oppressed, and accommodate the clamorous need for willing and self-motivated workers: Grant, he had urged, 'free access to an equitable labour market', secured by 'the protection of equal laws'.¹⁷⁴ The logic of this was by no means evident to everyone but it conformed with thinking that was influential in Britain at the time, and understood by some key players at the Cape.¹⁷⁵ Hence 'the laws affecting Hottentots were recognized, almost simultaneously, by the responsible authorities in both countries, as constituting too glaring a scandal to be permitted to continue'.¹⁷⁶

In short, the repeal of oppressive and discriminatory laws was facilitated by the (not popular but still persuasive) view that both justice and economic needs were being served. In G. W. Stocking's striking words, 'The Noble Savage, fantasy of a precapitalist mentality that saw labor as the curse of fallen man exiled from the Garden, found it ever harder to survive in the prospective Eden of a civilization produced by the gospel of work.'¹⁷⁷

theologian) on economics and the poor.

¹⁷⁴ Elbourne, 'To Colonise the Mind', pp. 241, 242; Nash, 'Dr Philip', p. 103.

¹⁷⁵ See du Toit and Giliomee, Afrikaner Political Thought, p. 82, regarding the state's newly acquired 'educative function' in the matter of 'civilisation'.

¹⁷⁶ Macmillan, CCQ, p. 218.

¹⁷⁷ George W. Stocking, Jr, Victorian Anthropology, New York: The Free Press, 1987, p. 36.

III. THE KHOISAN IN THE FIRST YEAR OF THEIR EMANCIPATION

The Khoisan were put on their mettle by Ordinance 50 in the opinion of certain of their friends. As W. A. Hankey, speaking for the LMS directors, explained, formerly their civil disabilities and oppression had been blamed for their slow advance in 'civilisation'. Now they - and the missionaries - must exert themselves to meet the expectations of friends and prevent enemies, 'if there still be such', from having cause for 'just animadversion or complaint'. It was presumed that the ordinance was not only beneficial to the oppressed but to the oppressors, tending to 'correct and enlarge their ideas as to the nature of civil rights and duties'.¹ Much of what follows suggests that this happy outcome was far from being achieved.

In September 1828, clerk of the peace Onkruidt in Somerset conveyed to government some early thoughts on the administration of the ordinance. A problem for officials of his rank concerned whom to permit to countersign written labour contracts - those for 'a longer period than one month' but no longer than a year (Art. 5). In Onkruidt's view, 'The wages allowed to Hottentots are at present so disgracefully low, that persons should be appointed without any prejudice against that race of people to make the contracts'. Appointees should refuse the contract when servants were inadequately paid, and insist that they be 'decently clothed'. (Onkruidt, who was promoted from clerk to magistrate shortly after these reflections, appears to have been humane in his administration of the law. When thanking the police in Cape Town for two cat-o-nine-tails he said, 'I hope I may seldom have occasion to use them' - having remarked before that 'whipping is seldom resorted to'.) The magistrate, too, showed concern, giving as his opinion that no field cornets, and more especially those 'in the Frontier Districts', should countersign

¹ CA, ZL 1/10/1: ?-Robson (Bethelsdorp), 4/7/1829; Hankey-Anderson (Pacaltsdorp), 15/7/1829.

the contracts, being as they were 'surrounded by their Friends and Relations' and thus lacking impartiality.²

No anxieties resembling those of the Somerset officials are found in Graaff-Reinet where the clerk of the peace considered all the field cornets fit to sign contracts. The magistrate concurred but wished that they be 'publicly sworn ... to impress them with a greater sense of the duties required of them'. When commissioner-general Stockenstrom learned of the clerk's opinion, he advised that it be clearly 'understood that [countersigning contracts] does not necessarily form part of the office of field cornet'.³ At the time of this correspondence (October 1828), some field cornets (and, most assuredly, Khoisan) of Graaff-Reinet had only intimations of the ordinance, which had not yet come to hand: G. D. Joubert was already perturbed by the difficulties of administering Ordinance 49 and foresaw that 'the inhabitants will be obliged to get rid of all the Hottentots' in their employ if forced to comply with Ordinance 50's rumoured terms.⁴

Few roles for field cornets were defined by Ordinance 50 (see Arts. 13, 14, 17, 18). The question of their competency to countersign written contracts arose through the provision that clerks of the peace, 'with the approbation of the Governor', could appoint officials for this purpose other than those specified. Giliomee succinctly describes how their powers were diminished to the advantage of the Khoisan: 'Before 1828 field-cornets played a major role in the system of labor-coercion

² CA, CO 2705, Onkruydt-Bell, 20/9/1828, p. 232 & No. 246, Resident Magistrate-Bell, 13/10/1828, pp. 384-86; 1/SSE 10/58, Resident Magistrate-Superintendent of Police, 22/7/1829, pp. 118, 145.

³ CA, CO 336, No. 13, Commissioner General-Bell, 25/8/1828, pp. 35-36; 1/GR 16/44, Civil Commissioner-Clerk of the Peace, 20/9/1828 & 24/10/1828; 1/GR 17/46, Resident Magistrate-Clerk of the Peace, 1/10/1828.

⁴ Dated 20/10/1828 and cited in du Toit and Giliomee, Afrikaner political thought, p. 71. Joubert was a field cornet in what became the district of Colesberg in 1837.

through enforcing the pass laws and stopping "vagrancy". After 1828 Khoikhoi were no longer required to carry passes and vagrancy was no longer a crime'.⁵ The fact remains that district officials were only restrained from handing contract duties to the field cornets by the provision that the governor might intervene.

In general the ordinance referred to adults as 'persons' who, male or female, were treated for contractual purposes in the same way but a dependent spouse was assumed to be a 'Wife or reputed Wife' and not the other way around. The wives and children of contracted men were protected in detail against the numerous abuses to which they formerly were prone. Where children were concerned, distinction was made regarding the age of maturity - sixteen for females, eighteen for males. These ages signalled release from 'apprenticeship' and the capacity to enter contracts on their own.

The indenture of 'destitute' and 'vagrant' children was legal if colonists could prove their orphaned or abandoned state, or parents voluntarily relinquished a child. 'Apprenticed' children were described as 'Hottentot', 'Bushman', 'Mantatee', 'Caffre', 'Fitcani', but - as Ordinance 50 applied to 'free persons of colour' - not Dutch or English. Masters were required to teach a trade, supply basic needs, and instruct them in the English language and the Christian faith. A few were bound to tanners, butchers, cobblers, and the like but generally the contract of indenture shows the trade as 'farmer' or 'house servant'.⁶ One

⁵ Hermann Giliomee, 'Processes in Development of the Southern African Frontier', in Howard Lamar & Leonard Thompson eds, The Frontier in History, North America and Southern Africa Compared, New Haven: Yale University Press, 1981, p. 115. The officials empowered by the ordinance to countersign written contracts were 'the Superintendent of Police, or any Clerk of the Peace, or any Justice of the Peace, not being a Resident Magistrate'.

⁶ CA, 1/UIT 14/12, Apprenticeship of Orphans, 1828-1847; 1/UIT 14/13, Contract of Apprenticeship by Parent of Hottentot or Free Person of Colour, June 1829-Nov. 1847.

administering official asked if 'Fieldlabour - Waggon-driving - Herding of Cattle - Housework of every description and the like' met the requirements, and was assured they did. Instruction in English was waived.⁷

Alleged abuses of the system - most commonly a parent's complaint that a child was being forcibly detained - persisted as a problem for officials to adjudicate. When Philip Botha, a well-off Khoi, applied for custody of his orphaned nephew, whose late mother had given him to a farmer's wife, his claim was first upheld but then reversed in favour of the colonist. This is puzzling in the sense that the request conformed with the ordinance (Art. 14) whereby orphans should by preference go to 'the nearest Relatives ... inclined and competent to take the said Children as Apprentices'. It is probably explained by the provision (Art. 1) that existing contracts remained in effect.⁸

As a result of legal reforms the Khoisan had experienced some improvements ahead of Ordinance 50: A June circular had announced that 'Hottentots' lodging complaints were not to be detained pending the outcome of investigations.⁹ Post-ordinance the practice of detaining, often for months, Khoisan required as witnesses in trials came under scrutiny. The problem represented by officials was that they had no property to serve as surety against a failure to appear. The attorney-general ruled that they were subject as were others to the 'stipulated penalty' alone; thus persons 'illegally detained' must be released on personal recognizance. Avontuur Baardman and Rachel, accusers and only witnesses in a charge of sodomy against a burgher, were early beneficiaries, being released on L20 recognizances against their

⁷ CA, CO 2706, Clerk of the Peace, Beaufort-Secretary to Government, Nos. 109, 21/10/1828, & 114, 1/11/1828.

⁸ CA, 1/UIT 15/12, see e.g. 22/7, 1/9 & 14/10/1828; CO 2703, No. 239, Kuys-Bell, 30/10/1828. The governor overruled the attorney-general in Botha's case.

⁹ Circular of 25/6/1828, cited SACA, 10/6/1829.

`goods and chattles to the use of our Lord the King'.¹⁰ Practices were thus transformed as the Khoisan's de jure burgher status was tested in concrete situations.

A few weeks after the ordinance was published, Bourke asked the attorney-general to report `on the state of the laws of the colony respecting vagrants, as they now stand - the insufficiency of those laws being much complained of by the Country Magistrates'.¹¹ The civil commissioner of Uitenhage, where the incidents to be discussed in Chapter Five occurred, was circumspect in his assessment of the situation there:

In reply to your query whether in my opinion excesses or vagrancy have been more common amongst the Hottentots in my District of late than heretofore, I beg to say that most of the Hottentots having left their abodes and being in search of employment they are consequently at present in a more unsettled state, but as to more excesses or vagrancy it would be rash in me to assert.¹²

There seems no reason to suspect that Van der Riet neglected to report an increase in disturbances or theft. Rather, the exodus from farms on which the Khoisan had lived and worked was such as might upset employers but not enough to justify new legislation to restrict the freedom of movement so recently become a right. By and large, his counterparts aligned themselves more readily with the hue and cry which many colonists set up.¹³

¹⁰ CA, CO 2705, No. 245, Meintjes-Bell, 13/10/1828, enclosing Oliphant-Onkruydt, 3/10/1828, pp. 378-83; 1//SSE 12/4, Resident Magistrate-Clerk of the Peace, 14/10/1828.

¹¹ CA, AG 73, No. 42, 1/9/1828, Bell-Attorney-General, 1/9/1828. This inquiry began with a wish to deal with prostitutes under existing vagrancy laws. Bourke would have been aware of the recent steep rise in vagrancy arrests in Britain at this time (34% between 1826-29), Ignatieff, A Just Measure of Pain, p. 179.

¹² CA, UIT 15/13, Van der Riet-Burton, 21/3/1829, p. 115. But see e.g. CO 3938, No. 525, Memorial, Graaff-Reinet inhabitants, 1828, and 1/AY 9/6, Civil Commissioner-Burton, 13/3/1829, p. 188.

¹³ Five years on, van der Riet still stood alone (Chap. 10).

Rural-dwellers in flight, in situations analagous to that at the Cape, are apt to move to the frontier. Where the frontier is closed, or remote, they may seek out more settled kin, or squat, or go to towns in search of better pay. 'An Albany Farmer' informed readers of the Commercial Advertiser that many 'repair to one of the cattle places, under the superintendence of Hottentots' where they could live by slaughtering stray cattle.¹⁴ The mission stations presented a further option. Marais' assertion that a 'larger number migrated to the towns and villages' than to these institutions is based on an 1849 report and may reflect a later process.¹⁵ However, evidence referred to in Chapter Six supports the impression that missions did not experience an immediate rush.

Prior to Ordinance 50, the magistrate at Uitenhage had ordered that 'Hottentots' erecting huts on the drostdy common at the Zwartkops River should 'quit the same forthwith'.¹⁶ A few months after, a wagoner reported that when his ox dropped dead some Khoisan 'appeared as suddenly as Vultures' from the bush, skinned the beast, and carried off the meat. He believed that many depended on 'such casual supplies of food', but did not state if this behaviour were a post-ordinance phenomenon or not. The fact that, after Ordinance 50, Khoisan freely moved about baffled officials steeped in the old system. For example, field cornet Gouws of Zwartkops inquired how he should react when Khoisan who were strangers to his ward called themselves free burghers and denied needing a pass.¹⁷

An optimistic forecast in the letters column of the Commercial Advertiser read: 'South Africa will, at no distant day, enjoy the

¹⁴ SACA, 21/1/1829.

¹⁵ Marais, CCP, pp. 183-84.

¹⁶ CA, 1/UIT 15/54, Aspeling-Field Cornet Kerr, 12/2/1828.

¹⁷ CA, CO 2713, Moodie interview, p. 270; 1/UIT 12/1, Pt. I, Gouws-Resident Magistrate, 10/2/1829.

benefit of Hottentot public functionaries, Caffer and Bushman magistrates, and keepers of the peace, on the borders, juries ... and numerous other civil servants of coloured skins'. This would come about through granting land within the colony to 'leading families and tried men', plus education 'such ... as will bodily raise the whole class' - a view based on the environmental theory of social change embraced by the 'humanitarian liberals', of whom the writer appears to have been one.¹⁸ Stockenstrom probably spoke for many who supported 'justice' but did not share this commentator's vision, that 'at no distant day' the Khoisan would find a place among the landed and governing elites: Having been granted

their political rights ... no extraordinary measures towards forcing their advancement can be necessary. On the contrary, these can only retard their real improvement by turning things out of their natural course.¹⁹

The Khoisan for their part saw restitution and remedial measures as fundamental to the claiming of their rights. Their sense of past injustice and present deprivation is discernable in their requests for special treatment. Settler supplicants aplenty petitioned government for benefits and groups of whites lobbied for policies favourable to their interests. The authorities' reaction was generally legalistic - though widows might elicit a more 'charitable' response. Petitions by or on behalf of the Khoisan increased after Ordinance 50. They approached the seat of power with fulsome praise for its benevolence, flattering its disposition to assist the poor and weak. The government acknowledged this with a capricious ration of noblesse oblige.

Noticeable in LMS communications to missionaries on the spot at the Cape is the focus on rapid progress in 'civilisation' - a

¹⁸ SACA, 'A Traveller', 4/4/1829; Bank, 'Liberals and their Enemies', Chapter 2 passim. The DSAB identifies Robert Godlonton as 'A Traveller'. However, internal evidence (a reference to 'brave patriots, the Stuurmans') suggests that, here, it was Bannister who used this nom de plume (see Chap. 5).

¹⁹ Hutton ed., Autobiography, II, Stockenstrom-Bell, 13/12/1828, p. 351; CA, CO 336, No. 22, 13/12/1828, pp. 99-100.

pressing concern of the parent body (see above) after the removal of impediments complained of in the past. Duly, an important contributor to discussions of the post-emancipation period, has urged the study of 'informal processes' at local level which may shed light on reasons for the disappointment of these hopes.²⁰ The aftermath of Ordinance 50 is conventionally considered in terms of wages, vagrancy, and certain responses of the Khoisan, colonists, and government (such as the settlement on the Kat River of 'Bastards' and 'Hottentots'). It is proposed here to follow Duly's advice. Incidents in Uitenhage, when the ordinance was newly in force, answer this purpose by laying bare the violence which persisted in the daily round of rural life. Later chapters in Part III revisit themes of hunting, herding and resistance, and, finally, look at ways in which the Khoisan tested the new order in the first year of their emancipation.

²⁰ 'A Revisit with the Cape's Hottentot Ordinance', p. 46.

5. Violence and the Rule of Law: Denouement at Uitenhage

Jacob Jacobs and Wildschut Platje: Assault and redress

In 1829, the newly-appointed resident magistrate and clerk of the peace of Uitenhage lost their jobs as a result of the mishandling of charges of assault by certain farmers upon two Bethelsdorp men. Jacob Jacobs and Wildschut Platje did not, as will be seen, effect this outcome on their own. Crucial to the hearings accorded the Khoisan plaintiffs and the removal of the officials was the chance presence on the eastern frontier of a prominent humanitarian. Saxe Bannister's intervention opened the door to a demonstration of 'impartial justice' under the Cape's new system modelled on English practice.¹

The assaults were of a kind with the violence which colonists historically had employed to impress their mastery upon the Khoisan. Platje was old enough to recall the pre-colonial world in the vicinity of the Great Fish River where he was born. The records contain a number of references to this man² but a notable instance concerns his participation in an 1806 patrol led by a Winterhoekberg farmer, Johannes Strydom. Platje was a witness in the trial of Strydom who had shot a captive Khoi - the sole case where a Uitenhage colonist was found guilty of murder by the Commission of Circuit ('Black Circuit') of 1812.³ In the case before us now, Platje appeared on his own account as plaintiff.

¹ Bannister practised as an advocate at the Cape, en route from a stint as attorney-general for New South Wales to his home in Britain, between March 1827 and July 1829. He was on the eastern frontier in Dec. 1828-Jan. 1829.

² Platje entered Bethelsdorp in 1808, CA, CO 6136, List of Absent Residents, 1809. He and his wife Griet Africaander [sic] appear on the institution's opgaaf lists, see CA, J 397, 1814-15, No. 48 & J 96, 1822, No. 422 (his first wife, Griet Speelman, had been shot dead, see CJ 3387, Circuit Court, 1812, and CO 4444, Case CC). In 1822 he was one of the 'men ... freed from paying opgaaf' - a list which includes the elderly, some single women, and perhaps younger men performing official duties.

³ Malherbe, 'Hermanus and his sons', pp. 192 (see n. 34), 201. Platjes' evidence may be found in CA, CO 4444, Case CC.

He alleged that in December 1828 a young farmer whom he met on a public road whipped and kicked him, for no reason at all, and broke his arm. His assailant took from him his walking stick and a bag of meat he had received in lieu of a wage.

Evidently Platje did not recognise the farmer at the time. When the Bethelsdorp missionaries delivered a letter reporting his complaint to the clerk of the peace, this official found the charge too 'vague' to act upon: 'I pointed out ... the impossibility of finding out the person who committed the assault - as nothing could be stated but merely that he was a boor, riding a black horse and went in the direction of Van Staden's River'.⁴ But, shortly afterwards, the culprit was identified. Jan Abraham van Niekerk gave himself away by asking Boezak Trompetter, herdsman to former Landdrost Cuyler, to return the knapsack and walking stick to Platje who brought this new information to the drostdy. Nearly two weeks had elapsed since the assault. As Platje was still in pain, the District Surgeon examined his arm and found that it was broken though he could not say if from a beating or a fall.⁵

Van Niekerk claimed that he had confiscated the goods because he thought that they were stolen. His first error had been to assume the right (which every burgher had enjoyed under the proclamation of 1809) to stop any 'Hottentot' found on the road and ask his business. The second had been to use 'the twig he had in his hand' to administer 'a few stripes' when in his view Platje gave an 'insolent' reply. Van Niekerk was fined L2 on a criminal charge, and paid Platje damages of L4 10 0 in a separate civil action. Bannister reported that the magistrate, who had awarded

⁴ CA, 1/UIT 16/58, Roselt-D. Moodie, 27/3/1829: Enclosure. When Roselt failed to find this letter later on, he admitted he may have torn it up.

⁵ Donald Moodie sent several hundred pages of documentation concerning the Platje and Jacobs cases to Cape Town (see below) before he submitted his report, CA, CO 2710, No. 86, Moodie-Bell, 4/4/1829, see e.g. the evidence of Boezak Trompetter, pp. 476-79, and the deposition of James Read, pp. 540-41.

`little more than half the very moderate sum' that Platje asked for, `expressed himself to feel much difficulty at what rate to value the broken arm'. He was perturbed that the magistrates - even those who were `well-disposed' - appeared disinclined to compensate a Khoisan plaintiff in the case of colonist-inflicted injury: From `no justice' in times gone by they now `wanted too much', according to one.⁶ This case, with its proofs of ongoing interpersonal violence and officials not yet attuned to the `equal justice' motive underlying the judicial reforms, was the curtain-raiser for the second incident referred to above.⁷

The case of Jacob Jacobs opens a window on the experience of the woodcutters who, as mentioned (Chapter 4), formed an important segment of Khoisan not wholly dependent on the farms for their support. The forests in which Jacobs toiled were in the Under Bushman's River ward which was bounded by the Bushman's River to the east, the Suurberg to the north, and a line east of the Sundays River, from the Suurberg to the sea. Numerous members of the Scheepers clan resided there, of whom Marthinus Johannes Scheepers (first the defendant, then would-be plaintiff) appears to have been most senior and most affluent at the time. Born in 1780, he owned several farms of which Ockert Heyns Post near the Bushman's River was one. This place, which was the scene of the assault on Jacobs, was bounded on two sides by quitrent farms but for the rest abutted on unallotted, that is, Crown or government land. Rietvlei, the place of field cornet Buchner on the Quagga Flats, lay some distance away.⁸

The trouble began when Jacobs, while cutting corn at Roodewal, the farm of near neighbour C. Vermaak, was told that his cattle

⁶ Humane Policy, pp. 28-29.

⁷ On 12/1/1829, when Bannister appeared as a witness in Platje's civil action, he gave notice of Jacobs' complaint.

⁸ CA, 1/UIT 14/45, Land Surveyor Reports, 1817-28; 1/UIT 14/46, Reports, 1828-42; CO 2710, Diagram by Land Surveyor Knoble (attested by Swan), pp. 646-47.

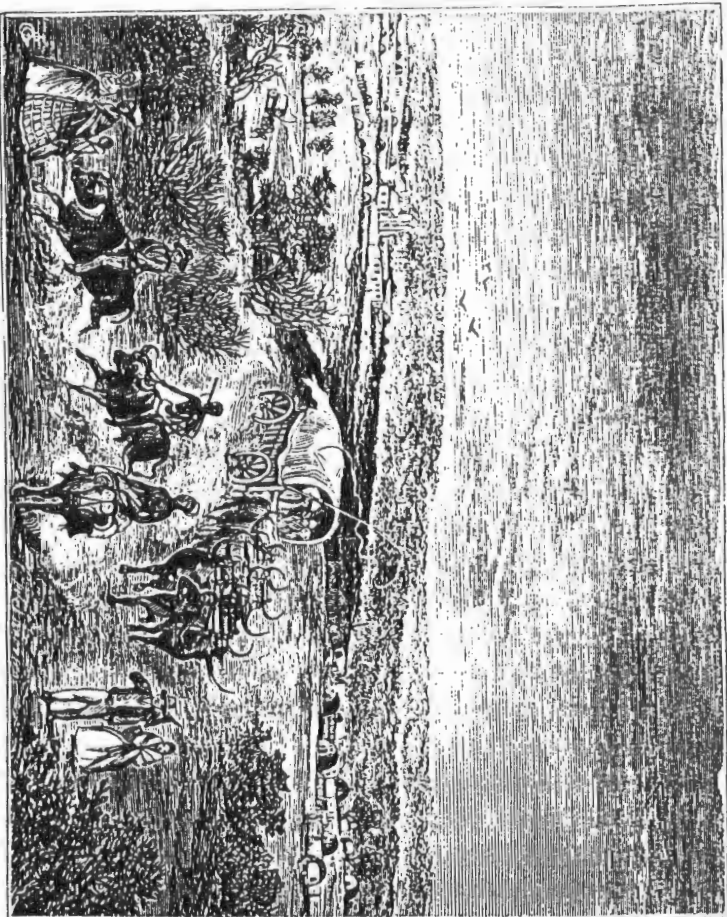
were being driven to the pound by Scheepers' son and son-in-law. He and four friends gave chase and overtook the party on the road. Jacobs offered to compensate Scheepers Sr for any trespass - although he was angered by the fact that animals belonging to an English sawyer, Thomas Adlum, which were found grazing with his herd were not sent also to the pound. The two young men accepted Jacobs' offer and they all turned back. When they neared Ockert Heyns Post, three of the Khoisan proceeded with the cattle while the rest went to sort the matter out with Marthinus Scheepers.⁹

Jacobs claimed, and other witnesses confirmed, that Scheepers flew into a rage, beat him while still outside the house and then dragged him inside where he beat him some more before tying him spreadeagled to a yoke (for oxen) and hoisting him to a beam where he dangled helplessly all night. When the matter came to court on 22 January, Scheepers disputed some but not all of this account. For example, he acknowledged binding Jacobs to the yoke (because, he said, he was afraid to leave him free before having the field cornet escort him to the drostdy the following day) but insisted his prisoner had been able to sit, with the yoke resting on his lap. Later, Jacobs would insist that he had begged in vain for some relief and, after several months, still suffered from a numbed hand. Little of this came out, however, in the court case which clerk of the peace Roselt prepared and magistrate Aspelung heard.

Roselt's 'first step' had been to have the district surgeon inspect Jacobs' injuries which the doctor declared 'not so severe as he had seen in other instances'.¹⁰ Scheepers was fined L3 and

⁹ Names are carelessly inscribed in the documents, thus we see Marthinus Johannes/Johannes Marthinus Scheepers, Cornelis/Coenraad Vermaak, and so forth. There is no Thomas Adlum, or name resembling it, in M.D. Nash, The Settler Handbook. A new list of the 1820 settlers, Cape Town: Chameleon Press, 1987, or in Philip, British Residents at the Cape.

¹⁰ CA, 1/UIT 16/58, Roselt-Moodie, 27/3/1829, see enclosure: Statement ... in the case of King vs J.M. Scheepers.



Church and Mission on Blackthroat River.

"BLACKTHROAT" IS THOUGHT TO BE ZWAZITKOPS,
WITH RETHEKSDOER BEHIND - S.A. LIBRARY



HOTTENTOT WAGGON-DRIVER.

W. R. KING, CAMPAIGNING IN KATTERLAND, 1853

informed that he was liable to a civil action. Bannister records a conversation between the two antagonists:

Well, Jacob, are you still angry with me?
No, I am not angry.
Nor am I angry with you - and will pay you, if you are disposed for good will.
How much will you pay me?
You must say how much.
Then, I say 300 rixdollars.
That is too much - you know I was always good to you - I will give you 172 rixdollars.
No - that is too little - I suffered too much pain for that.¹¹

Jacobs accepted this out-of-court settlement after consultation with his Bethelsdorp friends (who besides Bannister, the author of his acceptance, was consulted is not clear).¹² Scheepers' conviction on a criminal charge, and stab at peace-making, did not bring the confrontation to a close. He pursued the matter of the rescue of livestock under escort to the pound and the clerk of the peace laid a charge against the five Khoisan on the grounds of a common law offence, namely, the 'taking out' of cattle under the 'protection of the Law'.¹³ This case hung fire until the attorney-general ruled that it should be stayed. Meanwhile, Bannister withdrew the earlier acceptance of Rds 172 on the grounds that it was given on Scheepers' promise of good will. A civil action was pursued: In May, the circuit court awarded Jacobs L20 of the L100 damages he claimed.¹⁴ In the

¹¹ CA, CO 3941, Memorials, No. 49, Bannister Papers, 22/1/1829, p. 371. In another version, Scheepers said 'I was always a good Master to you', CO 2710, Bannister's Notes, p. 662.

¹² CA, CO 3941, Memorials, No. 49, Bannister Papers, 22/1/1829, p. 371; CO 2710, enclosure in No. 86, p. 370.

¹³ CA, 1/UIT 16/58, Roselt-Secretary to Government, 31/1/1829. The crime of 'rescue' (removing animals already in the pound) carried a fine of L7.10.0 which, as the maximum fine a magistrate could impose was L5, would have meant the necessity for the case to be decided by the circuit court.

¹⁴ Bannister, Humane Policy, pp. 33-34; CA, CO 2710, No. 86, Bannister-Roselt, 24/1/1829, pp. 373-74; 1/UIT 5/2, No. 24, 2/5/1829; CSC 2/3/1/7, No. 5, Civil Cases, Uitenhage, 22/5/1929, Case 18; Report on Circuit Court, Uitenhage, SACA, 1/7/1829. For

meantime Donald Moodie, an Albany official who was newly out of a job, was appointed to investigate the various charges and inform government as to what, in fact, was going on.¹⁵

The two cases provide a number of insights into post-Ordinance 50 attitudes in Uitenhage and the workings of local government, then newly reformed. In the first place, the possibility of physical violence is shown (still) to reside in casual Khoi-colonist encounters as well as in longer-term interactions - where, as in the Jacobs case, the assailant may perceive himself as typically benign ('you know I was always good to you'). Both burghers assumed a vigilante role, asserting the interests of the group to which they belonged according to outmoded understandings of their rights under the law. Both represented the victim's 'insolence' as provocation, with seemingly no notion of proportionality as to the retribution the alleged behaviour might be said to deserve. Van Niekerk was assuredly actuated by the reasoning (or unreasoning) which was coalescing in demands for the enactment of a vagrancy law. He would not believe that the goat's meat and head he found in Platje's bag were honestly earned: 'You Moer Neukers go round to steal people's property', he raged before knocking Platje to the ground.¹⁶

Though the preponderance of power belonged so clearly to their side, the colonists betrayed a latent fear in confrontations with Khoisan. Thus Dirk van Rooyen, Scheepers' son-in-law, testified that he had not 'consented' to turn back with Jacobs' cattle but had done so because he was 'by himself and his brother a lad',

the legal point involved in Roselt's proposed prosecution of the Khoisan, see CO 2710, No. 23, Roselt-Bell, 31/1/1829, pp. 86-89, which bears a note conveying the attorney-general's opinion.

¹⁵ CA, CO 5174: Bell-Resident Magistrate, Graham's Town, 13/3/1829, p. 135; Bell-Moodie, 20/3/1829, pp. 141-42. To appease the British settlers, Englishmen replaced Albany's 'local' magistrate and clerk of the peace (the post Moodie had filled).

¹⁶ CA, CO 2710, Deposition by W. Platjes before D. Moodie, 30/3/1829, pp. 433-34. For proof that he had been given the meat, see the deposition of C.G. Viljoen, blacksmith, pp. 462-63.

leaving him 'fearful' of the five men. It appears as if, in this region at least, little had changed since the late eighteenth century of which Newton-King says: 'So great was the Boers' fear of their Hottentot servants that they could never appreciate the wisdom of Company policy towards the Khoisan'.¹⁷ Such perceived threats to safety were (and are) widely claimed as a license to violence in the name of self-defence - for which an ineffective state and not those brutal in their own protection should be blamed.

Platje and Jacobs were able to appear at the drostdy only after their wounds were somewhat healed. The district surgeon did not regard the injuries as serious, and had difficulty in ascribing a cause. Scheepers and Van Niekerk's admissions ('a few stripes', 'a few blows') were not construed as warranting suspicion that their violence had gone beyond the levels that society condoned. As Roselt (citing the district surgeon) explained, the punishment meted out by Scheepers 'did not exceed that which under the provisions of Ordinance No. 19 might have been considered but a lawful punishment had it been inflicted on a slave'. Reference to this ordinance for improving the condition of slaves illustrates the blurring of distinctions respecting the slaves and free Khoisan, and was mentioned by Moodie when he confirmed that the magistrate and clerk of Uitenhage had mishandled the two cases concerned.¹⁸

¹⁷ 'The Enemy Within', p. 278; CA, 1/UIT 16/58, Statement of the ... Clerk of the Peace, p. 67. In 1828 a commando led by Coenraad Scheepers in Uitenhage's Under Bushman's River ward had shot two Xhosa, an unauthorised deed that was condemned by the authorities, see e.g. AG 80, Clerk of the Peace, Uitenhage-Oliphant, 27/3/1828 & 1/UIT 10/13, 27/6/1828.

¹⁸ CA, 1/UIT 16/58, Mr. Roselt's explanation in the prosecution of the three criminal cases, Niekerk, Scheepers, & Jacob Jacobs, p. 80 (see Ordinance 19 of 19/6/1826). Roselt's observation originated with the District Surgeon, see CO 2710, No. 86, Deposition of C.A. Wentworth before Moodie, 3/4/1829, pp. 425-26, and Moodie's report, p. 566. Of the late 18th century, Newton-King observes that, with no regulations specific to the Khoisan, 'the Landdrosts of the country districts appear to have been guided by the regulations governing the punishment of

Moodie's report which, with supporting documents, ran to 400 pages, could hardly have been more comprehensive, or more convincing as a careful execution of his brief. His interviews elicited a mass of information not brought out during the investigations by the clerk of the peace (especially) and the magistrate. Moodie uncovered the fact, which Roselt had completely missed, that Scheepers Sr received help from members of his family when he caught, bound, and hoisted Jacobs on the yoke. This forms a major thrust of the report, as proof of Roselt's negligence and also of partiality in that he had been quick to act against the Khoisan, even though uncertain if their actions constituted 'rescue' of their stock, but failed to pursue obvious (to Moodie) signs that Scheepers had assistance when inflicting the assault.¹⁹

Attorney-general Oliphant had no hesitation in declaring that Bannister's charges had been 'made out' by the investigation: The Platje case exhibited 'an instance of gross oppression on the part of the Clerk of the Peace' while that of Jacobs showed 'that Justice is ill-administered to the Hottentots at Uitenhage'. The clerk was deemed to have been 'actuated by a spirit of partiality towards the Boors or against the Hottentots in both cases ... not in respect of the individuals, but of the class of subjects to which they belong'. Aspelings fault was less clearly defined but Moodie had advised that he had 'erred in his estimation of the punishment due to both offences'; beyond that, Moodie found 'no fair presumption of undue partiality' on the magistrate's part. Both these officials (as already noted) were removed from the positions which they had occupied briefly but, where Roselt was

slaves', 'The Enemy Within', pp. 268-69.

¹⁹ CA, CO 2710, Moodie's report, pp. 555-78. For livestock rescue see Malherbe, 'Trespass and Pounds', p. 26 & passim.

dismissed from government service, Aspeling was moved laterally, retaining his rank.²⁰

Khoisan woodcutters, Dutch farmers - an uneasy mix

The governor lavished praise on Moodie's report and encouraged him to comment further with regard to 'improving the condition of the Hottentot race'. This was precisely to Moodie's taste and on the lines of some initiatives of his own. It appears that, prior to his investigation, he had theorised frontier modes of thought and action to his own satisfaction.²¹ In the course of his inquiries in Uitenhage, Moodie decided that he could not complete his report before carrying out 'some local Inspections near the Bushman's River'.²² In mid-April he took sworn statements from individuals in the Under Bushman's River ward. (For reasons which are unclear, only some were included with his

²⁰ CA, CO 2710, Moodie's report, p. 569; CO 372, Oliphant-Secretary to Government, 17/6/1829, pp. 552-54 (also AG 2156, pp. 240-41). Magistrate Aspeling and clerk of the peace Roselt's attempts to exculpate themselves are in 1/UIT 16/58: Roselt-Bannister, 26/1/1829; Roselt-Bell, 31/1/1829; Roselt & Aspeling-Moodie, 26/3/1829; Roselt-Moodie, 27/3 & 3/4/1829. See also 1/UIT 15/6, Aspeling-Moodie, 4/4/1829. These two had earlier revealed a disconcerting inability to grasp the terms of Ordinances 49 & 50, CO 2703, No. 238, Clerk of the Peace-Acting Secretary, 28/10/1828 & No. 246, Resident Magistrate-Bell, 1/11/1828. Roselt was succeeded by J.G. de Villiers and Aspeling by W.W. Harding.

²¹ CA, CO 5174, Bell-Moodie, 22/5/1829, p. 180; 1/AY 9/6, No. 233, Acting Civil Commissioner [Moodie]-Bell, 27/11/1829, p. 285. One such theory concerned patriarchy, a concept so powerful among the 'Hottentots' and colonists alike, and with such implications for justice in Moodie's view, that it needed to be understood by the judicial officers - such as Roselt, who (sounding baffled) refuted Moodie's argument, CA, 1/UIT 16/58, Mr. Roselt's explanation ..., p. 85. Moodie developed his theories about 'patriarchal power' in a paper circa 1836 titled 'The Social position of the colored classes in this portion of the colony from the year 1786', VC 888 (old MP 25).

²² CA, CO 2710, No. 86, Moodie-Bell, p. 326. Moodie was no stranger to this part of Uitenhage: the Moodie brothers had once held thousands of acres in the region and his brother Benjamin had shared a fountain with the same Scheepers whose actions Moodie was investigating, see: 1/UIT 14/45, No. 307; DSAB, II; J.W.D. Moodie, Ten Years in South Africa, London: Richard Bentley, 1835, pp. 141-45.

report and the rest held back until he received the invitation to submit his views concerning 'the Hottentot race'.) The result of his approach, at Uitenhage and in the Under Bushman's River ward where Khoisan and colonist were asked for their experiences and thoughts, is a body of interviews which counts as a pioneering oral history project at the Cape.²³

The Jacobs-Scheepers case had focused attention upon the tense relations which characterised a region sparsely populated by colonists where numbers of Khoisan derived an independent livelihood from hunting and cutting wood. The civil commissioner was aware that certain woodcutters (all of them Khoisan) were overstaying their permitted time but, as no one was formally deputed to enforce the law, he faced a difficulty in prosecuting them. To begin, he instructed his field cornets to take on the job of overseers of the forests in their wards. In future, woodcutters would be obliged to show their licences to the field cornet before they entered the woods, and these officials would check regularly to ensure that no one lingered after his licence had expired.²⁴

The new controls were easier to frame than to impose. Besides a principled objection to further burdens on officials who received no pay (though they were exempted from taxes), field cornet Buchner of Under Bushman's River assured Moodie that, in purely

²³ Interviews not included in CA, CO 2710, pp. 326-724, may be found in CO 2713, No. 133, Moodie-Bell, 27/11/1829, and enclosures. Moodie had been commissioned a JP so that he could take sworn statements concerning the two cases.

²⁴ CA, 1/UIT 15/13, Civil Commissioner-Field Cornets, 26/3/1829, pp. 117-18; CO 2710, No. 75, Civil Commissioner-Bell, 10/4/1829, pp. 294-96 (naming Philip & Joseph Botha, Piet Petersen, Klaas Boesac, Prins Boosman & Valentyn Hector); 1/UIT 10/14, Colonial Office-Civil Commissioner, 22/4/1829, p. 78. The commissioner's instructions to his field cornets were meant to fill the gap pending an ordinance which he proposed, CO 2710, No. 64, 26/3/1829, pp. 246-48. Buchner reported some 160 men (presumably Boers) above the age of 16 in his ward but had no clear idea of the 'colored population', CO 2713, Moodie-Bell, 27/11/1829, p. 565.

practical terms, no solitary official could winkle out illegal woodsmen from the forests in so vast an area as his own. Equally, the woodcutters maintained that the law took no account of the realities on the ground. Paul Keteldas explained the difficulty of observing deadlines when travel time was counted in, and illness or bad weather kept them off the job for days at a time. Prins Boosman made the point that the Khoisan took longer than the English woodsmen to cut an equal quantity of wood. The reason was that they brought their families along and had to spend time hunting game for food.²⁵

In truth it appears that semi-permanent communities of woodcutters had come into being. Keteldas, though based at Hankey (near which he recently had purchased a piece of land), had customarily settled in for lengthy periods while cutting wood. His relations with local farmers included working at harvest for two months at a time and using the proceeds to purchase grain and livestock from them. By arrangement he planted Indian corn on a farmer's land, reaping three times the quantity sown. In the past year his hired huntsman had killed around 15 buffalo. He preserved all the meat his horses could carry, salting it and selling the hides. They had also shot six elephants and had sold the tusks at 6 skillings per pound. All this was in addition to cutting 20 loads of wood.²⁶ Keteldas and Boosmen both employed several men (often family members) to fell the trees and work the saw-pits. The former's chief concern was the farmer-imposed ban on keeping milk cows which were needed for the young children of his sons and their wives.

²⁵ CA, CO 2713, No. 133. Keteldas's permit stipulated ten loads of log, at ten days per load, and no game to be killed. It was estimated that around 20% of woodcutters were English.

²⁶ Keteldas received Rds 36/load of logs, Rds 60/load of scantling (narrow pieces of timber), and Rds 100/load of planks. He had paid for his land with 9 000 cu. ft. of logs, CA, CO 2713. Keteldas is called here 'a Bastard' and this may have been so as his land transaction preceded Ordinance 50, 1/UIT 10/14, Colonial Office-Civil Commissioner, 30/12/1829, p. 319.

As noted (Chapter 4), woodcutters needed pasturage for their trek-oxen if they were to do the work at all. Government as well as private land was protected from trespass,²⁷ thus the licence-holders were by law confined to demarcated outspans. To succeed, this arrangement required a careful check on the numbers of woodcutters and their livestock, in relation to the carrying capacity of legal grazing, at any given time - a duty well beyond the field cornet's supervisory powers. Bush Camp where Jacobs was based was about 250 morgen in size. Buchner believed that about 100 cattle, also some horses, were kept there and 70 more at Kruisfontein where Keteldas, Boosman and others had remained for an extended time.²⁸ Keteldas averred that he was unsure of the limits of the camp and it appears that honest confusion over boundaries could easily have occurred. While Scheepers claimed frequently to have warned the woodcutters to keep their livestock off his fields (complaining bitterly of 'insolence'), Boosman testified that, where Jacobs' cattle had been seized, no beacons could be found. Scheepers must have entertained misgivings of his own for he took advantage of his sojourn in the drostdy town to query the work of the surveyor, James Swan.²⁹

Buchner claimed that some 200 Khoisan were scattered in the bush in his ward. What many lived on he professed not to know but the farmers complained of their cattle being killed. The 'Boors', he said, 'thought Government had done more for the Hottentots than

²⁷ The magistrate warned Jacobs and the other Khoisan against trespass on government land, CA, CO 3941, No. 49, Bannister Papers, 22/1/1829, pp. 369-72.

²⁸ CA, CO 2713, No. 133, Moodie-Bell, 27/11/1829, Interview with C. Bichnaar (Buchner), Quagga Flats, 16/4/1829. A witness identified Kruisfontein as 'the property of Coenraad Scheepers, Gert's son, where there is a kraal of Hottentots'.

²⁹ CA, CO 3941, No. 49, Bannister Papers, 22/1/1829, p. 370; 1/UIT 15/13, Van der Riet-James Swan, 21/1/1829, pp. 34, 85 (Swan's report which Van der Riet forwarded to the civil commissioner of Albany - probably for Moodie's use - has not been found). Van der Riet requested Swan to meet Moodie at Scheepers place on 15 April, *ibid*, Van der Riet-Swan, 11/4/1829, p. 154.

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The Jacobs-Scheepers case had focused attention upon the tense relations which characterised a region sparsely populated by colonists where numbers of Khoisan derived an independent livelihood from hunting and cutting wood. The civil commissioner was aware that certain woodcutters (all of them Khoisan) were overstaying their permitted time but, as no one was formally deputed to enforce the law, he faced a difficulty in prosecuting them. To begin, he instructed his field cornets to take on the job of overseers of the forests in their wards. In future, woodcutters would be obliged to show their licences to the field cornet before they entered the woods, and these officials would check regularly to ensure that no one lingered after his licence had expired.²⁴

The new controls were easier to frame than to impose. Besides a principled objection to further burdens on officials who received no pay (though they were exempted from taxes), field cornet Buchner of Under Bushman's River assured Moodie that, in purely

²³ Interviews not included in CA, CO 2710, pp. 326-724, may be found in CO 2713, No. 133, Moodie-Bell, 27/11/1829, and enclosures. Moodie had been commissioned a JP so that he could take sworn statements concerning the two cases.

²⁴ CA, 1/UIT 15/13, Civil Commissioner-Field Cornets, 26/3/1829, pp. 117-18; CO 2710, No. 75, Civil Commissioner-Bell, 10/4/1829, pp. 294-96 (naming Philip & Joseph Botha, Piet Petersen, Klaas Boesac, Prins Boosman & Valentyn Hector); 1/UIT 10/14, Colonial Office-Civil Commissioner, 22/4/1829, p. 78. The commissioner's instructions to his field cornets were meant to fill the gap pending an ordinance which he proposed, CO 2710, No. 64, 26/3/1829, pp. 246-48. Buchner reported some 160 men (presumably Boers) above the age of 16 in his ward but had no clear idea of the 'colored population', CO 2713, Moodie-Bell, 27/11/1829, p. 565.

practical terms, no solitary official could winkle out illegal woodsmen from the forests in so vast an area as his own. Equally, the woodcutters maintained that the law took no account of the realities on the ground. Paul Keteldas explained the difficulty of observing deadlines when travel time was counted in, and illness or bad weather kept them off the job for days at a time. Prins Boosman made the point that the Khoisan took longer than the English woodsmen to cut an equal quantity of wood. The reason was that they brought their families along and had to spend time hunting game for food.²⁵

In truth it appears that semi-permanent communities of woodcutters had come into being. Keteldas, though based at Hankey (near which he recently had purchased a piece of land), had customarily settled in for lengthy periods while cutting wood. His relations with local farmers included working at harvest for two months at a time and using the proceeds to purchase grain and livestock from them. By arrangement he planted Indian corn on a farmer's land, reaping three times the quantity sown. In the past year his hired huntsman had killed around 15 buffalo. He preserved all the meat his horses could carry, salting it and selling the hides. They had also shot six elephants and had sold the tusks at 6 skillings per pound. All this was in addition to cutting 20 loads of wood.²⁶ Keteldas and Boosmen both employed several men (often family members) to fell the trees and work the saw-pits. The former's chief concern was the farmer-imposed ban on keeping milk cows which were needed for the young children of his sons and their wives.

²⁵ CA, CO 2713, No. 133. Keteldas's permit stipulated ten loads of log, at ten days per load, and no game to be killed. It was estimated that around 20% of woodcutters were English.

²⁶ Keteldas received Rds 36/load of logs, Rds 60/load of scantling (narrow pieces of timber), and Rds 100/load of planks. He had paid for his land with 9 000 cu. ft. of logs, CA, CO 2713. Keteldas is called here 'a Bastard' and this may have been so as his land transaction preceded Ordinance 50, 1/UIT 10/14, Colonial Office-Civil Commissioner, 30/12/1829, p. 319.

As noted (Chapter 4), woodcutters needed pasturage for their trek-oxen if they were to do the work at all. Government as well as private land was protected from trespass,²⁷ thus the licence-holders were by law confined to demarcated outspans. To succeed, this arrangement required a careful check on the numbers of woodcutters and their livestock, in relation to the carrying capacity of legal grazing, at any given time - a duty well beyond the field cornet's supervisory powers. Bush Camp where Jacobs was based was about 250 morgen in size. Buchner believed that about 100 cattle, also some horses, were kept there and 70 more at Kruisfontein where Keteldas, Boosman and others had remained for an extended time.²⁸ Keteldas averred that he was unsure of the limits of the camp and it appears that honest confusion over boundaries could easily have occurred. While Scheepers claimed frequently to have warned the woodcutters to keep their livestock off his fields (complaining bitterly of 'insolence'), Boosman testified that, where Jacobs' cattle had been seized, no beacons could be found. Scheepers must have entertained misgivings of his own for he took advantage of his sojourn in the drostdy town to query the work of the surveyor, James Swan.²⁹

Buchner claimed that some 200 Khoisan were scattered in the bush in his ward. What many lived on he professed not to know but the farmers complained of their cattle being killed. The 'Boors', he said, 'thought Government had done more for the Hottentots than

²⁷ The magistrate warned Jacobs and the other Khoisan against trespass on government land, CA, CO 3941, No. 49, Bannister Papers, 22/1/1829, pp. 369-72.

²⁸ CA, CO 2713, No. 133, Moodie-Bell, 27/11/1829, Interview with C. Bichnaar (Buchner), Quagga Flats, 16/4/1829. A witness identified Kruisfontein as 'the property of Coenraad Scheepers, Gert's son, where there is a kraal of Hottentots'.

²⁹ CA, CO 3941, No. 49, Bannister Papers, 22/1/1829, p. 370; 1/UIT 15/13, Van der Riet-James Swan, 21/1/1829, pp. 34, 85 (Swan's report which Van der Riet forwarded to the civil commissioner of Albany - probably for Moodie's use - has not been found). Van der Riet requested Swan to meet Moodie at Scheepers place on 15 April, *ibid*, Van der Riet-Swan, 11/4/1829, p. 154.

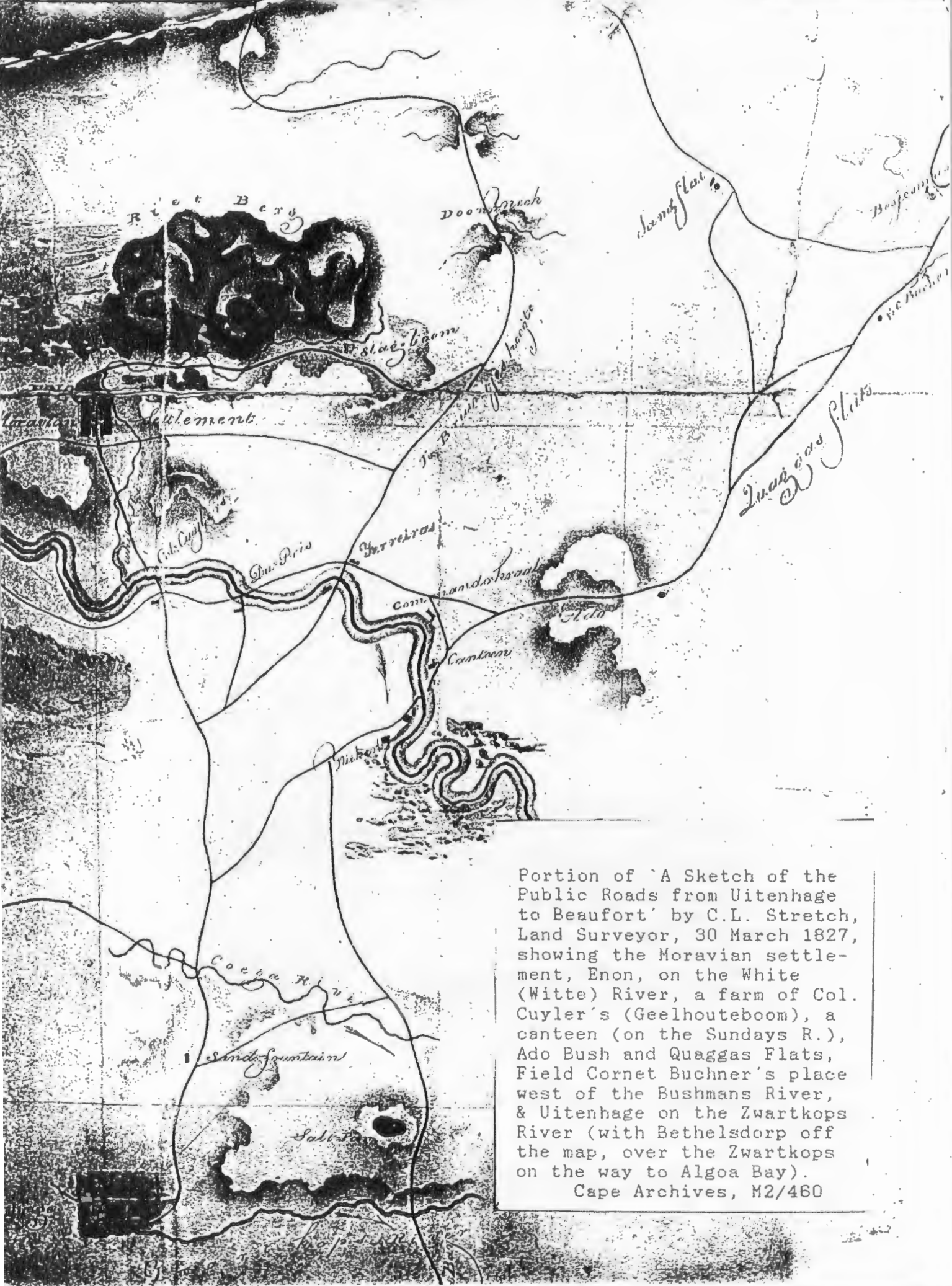


DICKINSON & CO LITH.

HERDSMAN.

By "H.W.", based on caricatures by C.D. BELL

SOUTH AFRICAN LIBRARY



Portion of 'A Sketch of the Public Roads from Uitenhage to Beaufort' by C.L. Stretch, Land Surveyor, 30 March 1827, showing the Moravian settlement, Enon, on the White (Witte) River, a farm of Col. Cuyler's (Geelhoutheboom), a canteen (on the Sundays R.), Ado Bush and Quaggas Flats, Field Cornet Buchner's place west of the Bushmans River, & Uitenhage on the Zwartkops River (with Bethelsdorp off the map, over the Zwartkops on the way to Algoa Bay).

Cape Archives, M2/460

for them' and animosities were on the rise. In what appears a reference to Ordinance 50, but may also have had the Scheepers trial in mind, he went on to say that they believed 'that Government was taking the part of the Hottentots against them'.³⁰ A sense of grievance is captured in Moodie's records of interviews with farmers in Buchner's ward - one of them a member of the Scheepers clan.³¹

All Khoisan who arrived in the ward with licences, to hunt or to cut wood, appear to have been viewed as nuisances. Their mere presence brought unease, and the fact that they hunted for consumption on the spot caused deep suspicion: Had the bushbuck they were roasting been shot on private land, or simply followed after it was wounded as they claimed? Was the salted 'buffalo' in fact a farmer's missing cow? The burghers complained of many ills, among them the great distance from such justice as the drostdy might afford and the prospect of no compensation if a charge against the Khoisan were proved.³² In this situation they not only took the law into their hands, as seen, but also schemed for personal advantage by entirely legal means. Bannister was outraged when he learned that, soon after his conviction, Scheepers was again impounding Khoisan stock which he claimed to have found on government land while, at the same time, he and other farmers applied for registration of these tracts in their own names.³³

³⁰ In 1829 Stockenstrom reported: 'The Field-Cornet of lower Bosjesman's River said in reply to my order for him to be on the alert: "If Government will only rid us of the Hottentots, we have little to fear from the Kaffirs"', Hutton ed., Autobiography, I, p. 355 (whether this was the ward of that name in Uitenhage or Albany he does not say).

³¹ CA, CO 2713, Moodie-Bell, 27/11/1829, pp. 565-68.

³² See also the evidence of Marthinus Oosthuisen, CA, CO 2713, pp. 576-78.

³³ CA, CO 3941, No. 49, Bannister-Bell, 27/2/29, pp. 392-94.

For all the allegations against them, the Khoisan had replies. In many cases, Boosman claimed, they brought their livestock to their forest camps simply because the pasture was so scarce at the mission stations where they lived, and no alternatives were open to them. He 'would not like his own land trespassed upon, - if he had any', Boosman said, adding that if he had ground he would not allow his cattle to stray. Furthermore, the farmers should have no greater right to shoot the game without a licence than the Khoisan. Another witness, Andries Stoffel, put it more strongly when he said that 'the Boors wished to have all the shooting as well as all the land to themselves'. He noted they did not complain about each other when they occupied or hunted on government land.³⁴

The claim was made above that Moodie's interviews exceed the careful cross-examinations called for by a well-run justice system and count as a pioneer oral history project. Much more by way of 'background' than can be included here was submitted by Moodie to support the conclusions which he reached, and this material is unlike that noticed with respect to any other case to reach the courts. Reported speech is one of many aspects on which one might expatiate; for example, when Scheepers was beating Jacobs,

deponent called out all the time "If you please Baas" - he continued beating saying "do you still call me Baas" - deponent then said "if you please Mynheer" - Scheepers said "you should have said that long ago["] - he then let deponent loose.³⁵

Language specialists may succeed in throwing light upon the meaning of this exchange.

Prospects for equal justice

What, if anything, was gained by and for the Khoisan as a result of these events? Platje and Jacobs had the satisfaction of seeing

³⁴ CA, CO 2713, Boosman, pp. 581-83 & Stoffel, pp. 583-84.

³⁵ CA, CO 2710, Moodie's cross-examination of Jacobs, 30/3/1829, at Bethelsdorp, p. 395.

their attackers prosecuted on criminal charges and fined, also of a measure of success regarding damages in their respective civil suits. In Jacobs' case, prosecution on a charge of trespass was averted. Bannister argued that, short of the transformation of society, the best insurance against the sort of discrimination and injustice these men and others like them were up against would be the publicising of proceedings in the courts, 'improving on a practice begun in 1813, and unwisely discontinued of late'. It was his belief that it 'is plainly losing half the value of well-administered justice' to fail in 'reporting cases in the Gazette'.³⁶ This was, at best, a partial remedy since whether alleged abuses reached the courts depended - as these two cases amply showed - on the attitude of key officials towards Khoisan complaints.

The investigation of the two Uitenhage officials signalled the intention of the central government that 'equal justice' should be done, and should be seen to be done, in places where it had been in serious question in the past. Aspeling and Roselt were aghast. On learning of the inquiry, they rejected at once 'the foul imputations thrown on our public characters'. They demanded open hearings which, they thought, would discourage 'for the future' any 'vague and groundless complaints against Government Functionaries'.³⁷ There was commotion when Moodie arrived in Uitenhage to execute his brief:

The mind of the public here has been in a state of agitation arising from a rumour ... that our Magistrate and

³⁶ Humane Policy, pp. 32, 38. A proclamation of 25/9/1813 had introduced an 'open door' policy in the courts and broached publicity in regard to the execution of sentences, RCC, 9, Proclamation, 25/9/1813, pp. 239-45 & ibid., 10, Report of the Commission of Circuit, 1813, pp. 66-68. Possibly in response to Bannister's lobby, the local reporter for the Commercial Advertiser asked for and got permission to attend the Uitenhage court as in 'other Courts of this Colony', CA, 1/UIT 15/54, Resident Magistrate-Alcock, 27/2/1829.

³⁷ CA, CO 2710, No. 86, Aspeling & Roselt-Moodie, 26/3/1829, p. 133. Moodie ruled it inappropriate to conduct hearings in open court but promised disclosure and the chance to cross-examine witnesses, Moodie-Aspeling & Roselt, 1/4/1829, pp. 491-92.

Clerk of Peace's public conduct was to undergo an investigation on a complaint made by Mr. Bannister ... of their having evinced a strong partiality against the Hottentots, in two trials ... the greater part of the inhabitants paraded at the Court-house ... There is very little doubt of the favorable issue of the investigation. Everybody here feels interested in seeing the character of the functionaries honorably cleared.³⁸

This glimpse of the initial disbelief that the officials might be penalised preceded by several months the date when the verdicts became known: Clerk of the peace Roselt, who was informed of his dismissal in early July, addressed a desperate plea for the reversal of his fate to central government - to no effect. He remained in Uitenhage as an attorney to the Supreme Court. Magistrate Aspeling was shifted sideways, becoming magistrate at Swellendam (the place which received Albany landdrost Harry Rivers after his fall from grace in 1825).³⁹ After the inquiry, but before the verdicts were out, Aspeling was caught out in a false accusation which injured Bethelsdorp: A Khoisan girl who came before him, he asserted, was brought up by the missionaries, yet 'knew nothing of God' - as he had often noticed in his court. It may be wondered if the public proof that this was not the case influenced the government's decision to remove him from the Uitenhage post.⁴⁰

³⁸ SACA, 11/4/1829, 'Inquiry into the Conduct of a Magistrate'. Afterwards, Moodie was congratulated for performing an unpopular job, CA, CO 5174, Bell-Moodie, 22/5/1829, p. 179.

³⁹ SACA, 11/4/1829, 'Inquiry into the Conduct of a Magistrate' by a Uitenhage correspondent, also 22/8 & 2/9/1829; CA, CO 2711, II, No. 131, Roselt-Bell, 12/7/1829, pp. 201-08 & enclosure, pp. 209-12 (& No. 186); AG 80, I, Roselt-Attorney-general, 8/9/1829; 1/AY 8/80, Green-Godlonton, ?/12/1829, pp. 1114-15.

⁴⁰ SACA, 2/5/1829 & 30/5/1829. Robert Miles, acting superintendent of the LMS while Philip was in England, found out that the girl had never belonged to Bethelsdorp and was confident that no such examples had appeared in Aspeling's court. Andries Stockenstrom defined Aspeling's fault as probably 'the want of Character more than a disposition to do wrong', CA, A2564, PRO 30/43/98, Lowry Cole Papers, Stockenstrom-Bell, 1/7/1829, 'Private' (papers copied and donated by H.C. Botha).

Compared with the hue and cry surrounding the removal of Landdrost Rivers - an outcome which many settlers wished - the records with respect to Aspeling and Roselt are virtually mute. The British settler Thomas Philipps lumped them with other 'dunderheads', relics of the 'old system' who were belatedly and rightfully dismissed. Whether he did so from disapproval of their conduct in these cases or from conviction that persons like himself should fill such posts is a moot point.⁴¹ A commentator inside the justice system was negative in his evaluation of the likely effect:

You will ... be somewhat surprized at the late dismissals and removals and will most likely hear many causes assigned for them some very far from the truth ... Uitenhage - on a charge of general partiality in favor of the white inhabitants against the Hottentots - If I may venture an opinion ... I would say it is a hasty if not a very severe measure and one which in its effects must tend to destroy that perfect neutrality and independence which every Magistrate ought to possess and without which the alteration from the old Board of L&H to that of Resdt. Magts. is anything but an improvement ... These remarks are of course made to you in confidence.⁴²

This verdict, that the example set would not encourage 'perfect neutrality and independence' but result in 'partiality'-in-reverse, resonates with Field Cornet Buchner's remark that people in his ward complained that government was favouring 'Hottentots against them'.

In fact, but for Bannister's intervention it seems unlikely that the two would have been replaced. When this highly-qualified and well-connected gadfly left the Cape, no one of comparable stature and humanitarian inclination appeared to take his place. The LMS missionaries were sensible of his unique access to top officials in Cape Town. As for the Khoisan, one can speculate to what extent they sought his intervention and advice, or if he

⁴¹ Arthur Keppel-Jones ed., Philipps, 1820 Settler, Pietermaritzburg: Shuter & Shooter, 1960, p. 357. Philipps, a friend of Moodie's, probably heard his views about the investigations; he himself sought public office several times but, except for an appointment as JP, without success.

⁴² CA, 1/GR 9/9, ? (illegible)-van Ryneveld, 31/7/1829.

faithfully represented their requests without imposing his own theories as to their best interests. In the case of a petition which he penned on their behalf, he owned to having 'taken a part in advising' the Khoisan but asserted that he had 'been careful to embody in the Memorial such views as I am convinced they entertain' - a disclaimer which in fact suggests some latitude in his interpretative role.⁴³

In sum, the ideal of equal justice had been affirmed by the removal of two unsatisfactory officials, although this almost certainly came about through the determined intervention by Saxe Bannister. A third officer, district surgeon Wentworth, was censured by Moodie but it is not clear if he was formally rebuked. He was important in the justice system: In case of injury, his opinion was a factor in mounting a criminal prosecution and in awarding damages in civil suits. His verdict with regard to Jacobs' injuries has been noted. According to testimony in the civil record book, Andries Stoffel had found Platje in agony, with a swollen arm and unable to 'walk, sit, or lie down' the day after the assault. Yet Wentworth did not go (or was not sent) to see him and on the first examination (at the drostdy, almost two weeks after the assault) confirmed his arm was broken but was not prepared to state if from a beating or a fall. At the Van Niekerk trial, Platje sat on the floor looking ill throughout; yet Wentworth 'in a great measure set aside' his evidence. When Moodie began his investigation, the surgeon paid Platje a belated call in the 'wretched dwelling' outside Bethelsdorp where he lay 'indisposed'. His description shows little except scorn for Platje and his circumstances. Wentworth retained his post for five more years, until his death in 1834, despite the fact that the attitude he brought to it had been as

⁴³ CA, CO 3941, Memorials, No. 49, p. 367.

unfavourable to equal justice as that of the two officials who were removed.⁴⁴

The behaviour of another senior official, the civil commissioner, seems to have been positive for Khoisan interests in various respects. He gave a non-alarmist account of conditions in the district after Ordinance 50 and his dealings with Bethelsdorp were courteous and friendly, unlike landdrost Cuyler's frequently standoffish style and much-resented penchant for corvee and other requisitions on the Khoisan living 'idle' (as Cuyler saw it) there.⁴⁵ On the other hand, he did not motivate for policies which might have given substance to the new status of the Khoisan in law, or boosted their economic prospects within the district in his charge.⁴⁶ The burghers for their part had seen the writing on the wall: Discovering that privileged access to Crown land in their vicinity was not to be relied on any more, they acted to get ahead of Khoisan claims and register these tracts in their own names.

⁴⁴ CA, CO 2710: Proceedings in the case of Wildschut Platje, pp. 473-75; Wentworth-Moodie, 29/3/1829, pp. 494-502; Charles Hymen, pp. 532-35; Moodie's report with reference to the district surgeon, pp. 566-67, 576-77. The British government had decreed that, as the District Surgeon posts fell vacant, their duties were to be transferred to private practitioners, 1/UIT 10/18A, Acting Secretary to Government-Civil Commissioner, 21/2/1834. On 6/2/1834 Wentworth 'put a period to his existence ... by blowing his brains out', leaving his family 'destitute', 1/UIT 15/55, Resident Magistrate-Brink, 7/2/1834.

⁴⁵ See e.g. CA, 1/UIT 15/13, van der Riet-Robson, 13/4/1829, p. 156: 'I shall with much pleasure attend at Bethelsdorp for collecting the opgaaf [and accept] Mrs. Robson's kind invitation to take family dinner with you.'

⁴⁶ But see Chap. 11 for views expressed in 1834.

6. Hunting and Herding: Denouement at Theopolis

The Khoisan and the City of God

When permission to occupy some land and found a mission, to be called Theopolis, was granted the LMS in 1814, the governor was fulsome in his magnanimity: 'Such is the fertility and abundance of the place in every necessary of life, together with wood, water, and every material for building at hand, that the very view of it will take away all excuse'. But as Sales observes, 'What Cradock does not mention here ... was that it was in an area which the Xhosa still claimed'. Khoisan from crowded and infertile Bethelsdorp were free to move to the new station in Albany and numbers did. However, until the frontier war of 1819, Xhosa asserting their right to former grazing, or defying their banishment in more aggressive ways, forestalled 'improvement' by destroying crops and lifting cattle.¹ Furthermore, the mission's tenure was far from secure: 'I have granted as far as the circumstance is practicable (the legal difficulties of which you are well aware of)', Cradock had said.² The struggle to secure a grant (entailing survey and title) of this land, and to win further grants so as to have the grazing and amenities which the station required, would drain the time and energy of the missionaries and their friends. These drawbacks aside, Cradock's remark that the gesture removed 'all excuse' - for less than rapid progress in 'civilisation' - is an example of the facile view of social change encumbering each concession, including Ordinance 50 when it came.

The station began with a core group of converts. Willem Plaatje, baptised at Bethelsdorp in 1812, was the first deacon elected at

¹ John Philip, Researches in South Africa, London: James Duncan, 1828, II, p. 382; Sales, Mission Stations and the Coloured Communities, pp. 55-56, 65-66.

² CA, CO 4394, Bell-Private Secretary to Government, 9/2/1854, citing Cradock-Campbell, 10/2/1814. The 'legal difficulties' concerned title, see Alexander-Read, 11/8/1815, cited in Currie, 'Theopolis Mission', I, p. 190.

Theopolis. Since throwing in his lot with the LMS he had become a man of substance: When Campbell interviewed 'Six of the best informed Hottentots', in 1813, Plaatje ('Plagy') was one. He testified that he had possessed no property when he arrived but had acquired six oxen (the sina qua non of economic success) and provided for his wife, children, and aged parents. Like Wildschut Platje, he had been a witness in the Strydom case in 1812 and gave evidence at later trials. Plaatje served as deacon until his death in 1828. The scene where the dying man affirmed his entire trust in the Christian God he had embraced, moments before he peacefully expired, was described by the missionary Barker in detail for the philanthropic audience reached by the Missionary Chronicle.³ An early convert at Theopolis was Bootsman Stuurman - brother of David whose life took a quite different course. Where David became a captain, was twice a prisoner on Robben Island and, at last, a transportee to New South Wales, Bootsman (although illiterate) was an evangelist for many years.⁴

Family clusters are prominent among successful Khoisan, measured in economic terms. When the missionary Ulbrecht and his (Khoi) wife, Elizabeth Windvogel, assumed charge of the new site in 1814 they possessed the largest property in oxen, breeding cattle and sheep. Willem and Klaas Windvogel with their families were among the pioneers. Klaas impressed the missionary with his response to preaching, for conversions were more often the result of dreams and personal experience of various kinds.⁵ The Boezak clan

³ Sales, Mission Stations and the Coloured Communities, pp. 96-97; Campbell, Travels, p. 89; CA, CO 4444, Case CC; A 559, Baptisms at Bethelsdorp, No. 88, 1812, William Platjes (age 40); AG 22, 24/5/1820; Evangelical Magazine and Missionary Chronicle, 1829, G. Barker, Theopolis, 30/7/1828, pp. 167-68. Plaatje, 'a man of gentle inoffensive manner, & of unblamable conduct', lived at Long Fountain, a cattle post or outstation of Theopolis, Currie, II: Journal of George Barker, p. 204 (19/7/1828).

⁴ Sales, Mission Stations and the Coloured Communities, pp. 97-98, 157; Malherbe, 'David Stuurman', passim.

⁵ CA, J 27, Theopolis, 1814-1815; Currie, II, Journal of George Barker, 11/7/1818, p. 37.

migrated in numbers to Theopolis. Most well-to-do was Cobus who owned two wagons, a plough, some thirty oxen and other stock. Piet, Hendrik and Platje also made the move in 1814, and were soon joined by Stoffel, Jan and Klaas as well as several Boezak women with their husbands. One of the Boezaks (probably Cobus - at many points identity is not made clear)⁶ was president of the heemraden (later the Court of Magistracy) formed to aid the missionaries with 'Temporal Affairs'. Cobus Boezak laid the cornerstone of the new school, after which assembled Khoisan sang 'Rule Britannia'.⁷

Willem Valentyn Sr, his son of the same name, his brother Jan and sister Elizabeth (married to Piet Buys) were comfortable according to the standards of a pastoral frontier. Willem (Sr or Jr) was the first 'Hottentot' to build a brick house at the station - commemorated by a stone shaped and carved with the name and date by builder J.W. Shepstone. In Read's opinion, Valentyn was 'in many respects far superior to Boezak', who had been 'noticed and rewarded' while the former had not.⁸ The Camphor family (Piet Sr and Jr, Jan Sr and Jr, Philip and Salomon) achieved material success and was active in mission affairs. Between 1814 and 1822 the number of wagons reported on the opgaaf increased from three only to thirteen - a fact related to the

⁶ For example, Sales has confused Jan with the Captain Boezak who figured in the third frontier war and was killed by the Xhosa in 1804, see Mission Stations and the Coloured Communities, pp. 19, 23, 24, 28, and DSAB, IV (ed. C.J. Beyers).

⁷ CA, J 1, Theopolis, 1821; J 27, 1814-1815; J 405, 1822?; 1/AY 6/9, Civil Records, 1829, No. 743; Currie, I, 'Theopolis Mission', p. 184 & II, Journal of George Barker, 20/12/1823, p. 121 & 19/1/1824, p. 127.

⁸ CA, LG 5, Commissioner-General, Letters from Private Individuals, Read-Stockenstrom, 8/9/1829, p. 150. Valentyn had, with Boezak, saved Graham's Town in 1819, Read said. The conversion of Elizabeth Buys was noted as involving a process of serious thought, Currie, 'Theopolis Mission', I, p. 133.

increased population and demand for the mission Khoisans' services once the 1820 British settlers had arrived.⁹

As with the burgherdom outside the station, so at Theopolis there was a correspondence between material welfare, church office and worldly prominence. This elite was not immune to moral lapses, a matter of deep concern to missionaries whose discretion had admitted them to Christian membership. In 1823 Barker reported

An unpleasant affair ... Our elder Deacon brought Piet Campher to the [communion] table, without the sanctions of the church and as he had been excluded for adultery, this led to other unpleasant things, after service the same Deacon acted as incautious as before.

Camphors were involved in a shocking instance of adultery in 1826. Misdeeds not specified resulted in exclusion (until repentance) of other leading members from the church. Behaviour when the mission people were exposed to the 'temptations' of the towns was a source of worry for the missionaries who, prior to Ordinance 50, bore the responsibility of issuing passes and, moreover, dreaded damage to the station's name. Barker laconically observed that, in Graham's Town, he had seen 'Wm. Windvogel carried by four, as dead drunk as ever I saw a man'. (Nearer home, a canteen was dismantled because 'It has stood eight months, and not a single Hottentot, to our knowledge, has entered it.')¹⁰

In 1817 a detachment of the Cape Regiment was billeted at Theopolis, equipped with 'arms for the Hottentots ... when their

⁹ CA, J 1, J 27, J 405; Currie, 'Theopolis Mission', I, pp. 109 & II, Journal of George Barker, pp. 37, 100. Barker mentions occasions when colonists came to the station seeking workers, when no one responded. Transport riding and wagon hire were favoured occupations. Apart from this, Sales cites timber sawing and selling, limeburning, manufacture of mats and thatching cord, soapmaking, hunting, acting as guides and hunters for colonists, collecting gum arabic, and various trades as sources of income, Mission Stations and the Coloured Communities, pp. 67-68, 88.

¹⁰ Cited Philip, Researches, I, p. 272; Currie, II: Journal of George Barker, pp. 81, 121, 164, 189-90, 199, 202. Plaatje must have been 'elder deacon' but the reference is probably to Andries Klaase who was removed from office.

services might be required'. In Cuyler's view the station was 'the key to Uitenhage', meaning that it was the district's chief defence against a Xhosa invasion. Many went on commando in 1818; a year later the long absence from home of Khoisan levies was noted with concern. Plans for education, building, and so on were hindered by unsettled conditions and the scarcity of active workers. In 1819 the mission successfully withstood a 'siege' by Xhosa desperate to recover the Zuurveld but the damage inflicted, and loss of livestock, were grave setbacks.¹¹ The rescue of Graham's Town by Captain Jan Boezak of Theopolis and his men when the Xhosa attacked in force on 22 April 1819 is an oft-repeated tale.¹² Philip was to claim that during the station's first five years the Cape government was saved a hefty sum for the defence of the frontier by the Theopolis Khoisan - 'equivalent to a Military Post of one hundred men'. Commando duty continually removed the energies of able-bodied men, as did the Cape Corps: 'The Recruiting party left this morning with 9 Recruits from this & among the rest, one of our Carpenter boys & one bricklayer', Barker reported in his neutral prose. The station received many Cape Corps veterans who completed their enlistments (one or more seven-year terms) or were discharged as invalids.¹³

The arrival in 1820 of several thousand British settlers in Albany introduced a new array of opportunities and constraints:

¹¹ Currie, 'Theopolis Mission', I, p. 71.

¹² Pringle, Narrative, pp. 282-83 (cited Philip, Researches, II, Appendix VII, p. 388). 'Captain Jan Boezak' is said to have led this force. It is unclear to whom Barker referred on the occasion of Lt. Gov. Bourke's visit to Theopolis: 'He conferred on Boezak a Captains Staff', Currie, II, Journal of George Barker, p. 192 (17/9/1827). See 'Bozok's' staff, opp. p. 411.

¹³ In 1830 there were a sergeant-major, 11 sergeants, 7 corporals and around 70 privates at Theopolis, CA, CO 381, No. 150, Philip-Bell, 1/3/1830, Statement regarding the Lands of the Missionary Institution, Theopolis, pp. 746-47 & Appendix B. See also: CO 2613 for Theopolis Khoi on commando in May, 1818; GR 9/71, 15/6/1819 & 20/11/1819; Theal, RCC, 11, Somerset-Torrens, 25/7/1817, p. 362; Currie, II: Journal of George Barker, p. 110 (28/2/1823).

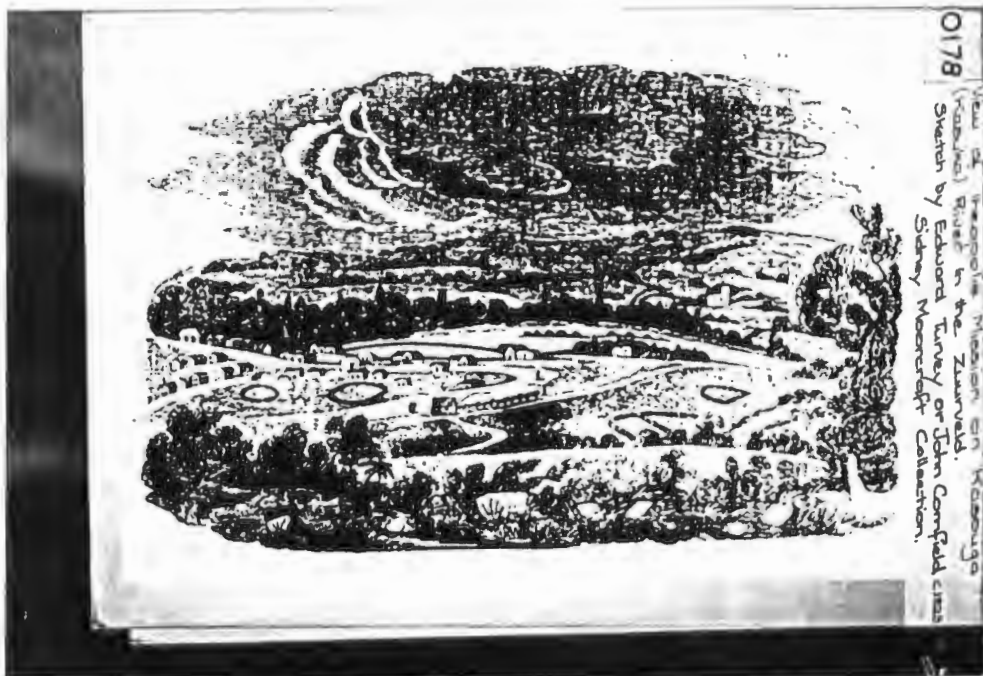
... economically a new market for the labour of the Hottentots was created ... transport-riding and building construction being primary economic activities desired and paid for by the settlers. The relative prosperity of the early 1820s ... enabled Philip's improvement programme to take place. In the long run ... the new settlers were not an unmixed blessing to the Hottentots, for by the end of the decade of the 1820s, there was direct competition between the artisans and mechanics trained at the mission stations and the immigrants and their sons who were no longer required to stay on their small farms. A community of deserters from the British army and a few of the least 'respectable' of the settlers ... took ... the timber trade out of the hands of the men of Theopolis. In the long run ... the possibility for success in the artisan class, the great goal Dr Philip held out to the people, could only be achieved ... by 'passing' into the white group ... or working for wages so much lower than the whites ... that one still got some trade ... for many people ... even skill did not lift one out of poverty.¹⁴

Missing from this catalogue of challenges is competition over land. The vagueness of Cradock's 'grant' mattered more after these arrivistes settled down and cast about for ways to benefit themselves.

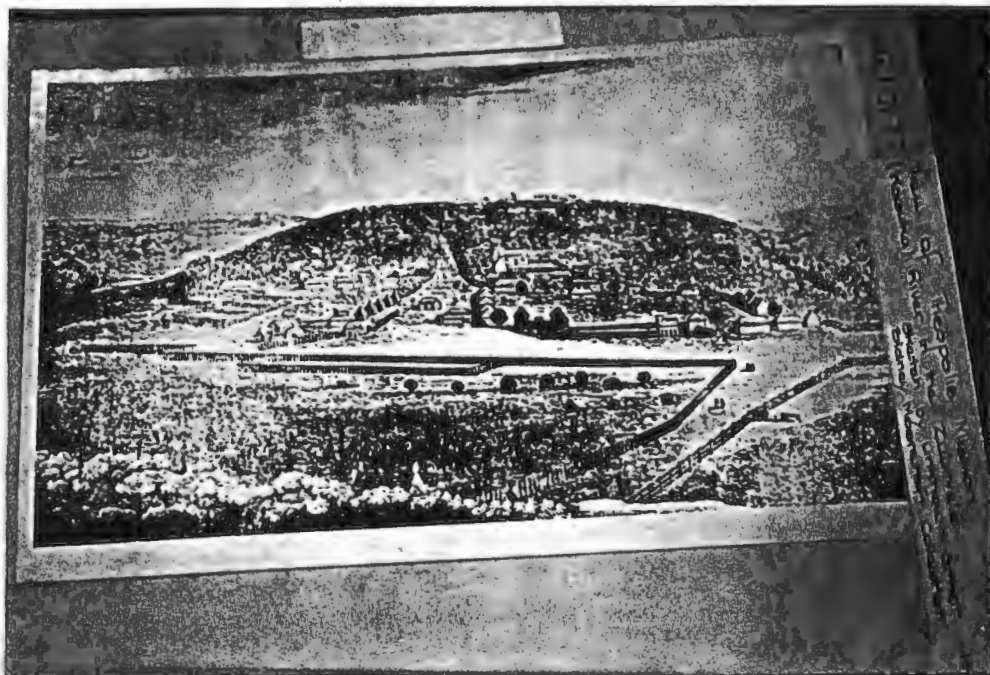
The obligation on persons protected by their government to serve on public works or in commandos when called fell on the burghers as well as on Khoisan - but less justly where the latter were concerned because their rights and status were more circumscribed and requisitioning was conducted in the manner of a corvee. In his Researches, Philip marshalled much evidence to show the heavy impositions on Theopolis Khoisan and their struggle to be paid for work performed.¹⁵ Government, as represented by landdrosts and field cornets, often stood in the way of Khoisan wishing to enter the station, notwithstanding that they could be tapped for labour and defence once there. Cobus Minie and his daughter of Graaff-Reinet were stopped by a field cornet on their way to Theopolis, and Minie bound to service instead: 'I have reason to

¹⁴ Sales, Mission Stations and the Coloured Communities, p. 82. In another context she refers to the 'considerable government harassment of the Theopolis community' in 1820, p. 67.

¹⁵ Philip, Researches, II, Appendix VIII & IX, pp. 389-400.



THEOPOLIS, c. 1823
CAPE ARCHIVES AG 10178



THEOPOLIS - CAPE ARCHIVES AG 10177



BY C.D. BELL, WILLIAM FEAR COLLECTION

CAPE TOWN

think the act complained of is of frequent occurrence', the landdrost said. This landdrost was himself accused of preventing a young man from entering Theopolis purely to oblige a settler who wanted 'a Hottentot'.¹⁶

These secular concerns can seldom have been far from mind but the mission beckoned as a world apart - not merely a retreat from lifelong servitude on farms but, as importantly, a space where an uplifting drama was performed according to an alternative script. By demonstrations of religious 'seriousness' Khoisan could ascend through the ranks of office: 'Brothers' and 'sisters' upon conversion, then elders, deacons and deaconesses in the mission church. Adults as well as children had the opportunity to read and write. The object of instruction was promotion of the Christian project; nevertheless, mastery counted with both teachers and taught as a proud accomplishment in its own right. Annual reports recited numbers able to read, write, spell and 'cypher'. A sense of bringing children to a point of eligibility for burghership (for example, giving evidence under oath) appears where Barker as catechist notes that they 'know something of the workings of Conscience & have an idea of good and evil'.¹⁷

Barker was strict on matters of decorum and observance.¹⁸ Now and again behaviour termed 'witchcraft' rocked the community. A man was ordered to leave Theopolis on this account in 1821. Katryn Jacobs, a convert, 'disfigured herself and went round the village and frightened several of the people'. The Khoi officials shaved her head ('her hair having been the principle thing in frightening the people') and she was excluded from the church.

¹⁶ 1/SSE 8/62, Dundas-Mackay, 9/11/1826; Philip, Researches, II, Appendix XIV, p. 443.

¹⁷ Currie, II: Journal of George Barker, p. 209 (28/12/1828).

¹⁸ Currie, II: Journal of George Barker, p. 60 (23/5/1820) & p. 83 (27/5/1821).

Others who ran naked in the night were placed under a sort of house arrest.¹⁹ Whether these were aberrational acts or reversions to traditional religious (or other) practices as the missionary seemed to think is nowhere clear.

The eloquence of Khoisan speakers was rewarded with 'delight' (at public meetings other than occasions of Christian witness in the church, speech-making seems to have been the prerogative of men). The Missionary Chronicle, published in England, gave space to the four 'native speeches' which launched the Auxilliary Missionary Society at Theopolis in June 1825.²⁰ The first harked back to the former wretched state of 'Hottentots'. A second reflected on those who had said '"the Hottentots were not men, but a superior order of baboons; that the Hottentots were not made by God but by the Devil"', adding: '"My friends, I now see that Hottentots can think, and feel, and act, like other men. What do I now behold - a Missionary Society formed among Hottentots"'. The next reminded listeners that most still languished in an '"awful state"' while the last '"compared the newly formed Society to a child, and the Parent Society to its mother"'. This well-constructed sequence, from proud achievement to unfinished work and the 'child's' obligation to its 'mother', coaxed Rds 60 from the assembly when collection plates were passed.²¹ When a convert

¹⁹ Currie, II: Journal of George Barker, pp. 87, 113, 147, 167, 199. Katryn Jacobs repented movingly of her 'back sliding' and was readmitted to church membership, ibid., pp. 185 & 186.

²⁰ Auxilliary societies were encouraged by the LMS directors to enable missions, inadequately supported by the parent society, 'to support their own work', Currie, 'Theopolis Mission', I, pp. 28, 154. The 1825 event was the second initiative to establish one at Theopolis, see: Currie, II: Journal of George Barker, p. 16 (4/7/1816); Sales, Mission Stations and the Coloured Communities, pp. 67, 96.

²¹ Missionary Chronicle, 4, 1826, p. 35. Khoi mentioned by Barker as having spoken on this occasion were Andries Jager, Andries Stoffel, Piet Camphor, David Jantje, and Willem Valentyn, Currie, II: Journal of George Barker, p. 148 (10/6/1825). Other speakers at these meetings, and those of the Society for the Relief of the Poor were Cobus and Jan Boezak, Hendrik Smit, Piet Buys, Willem Plaatje, Philander ('Frelander') Laberlot, Jantje

and his daughter confounded a Roman Catholic (an 'Irishman') on a point of scripture, Barker exulted: 'Blessed be God a Hottentot, with the Bible in his hand, is a giant.'²²

Theopolis 'contains many sensible excellent Christians', Philip informed a missionary on transfer there from Pacaltsdorp in 1826. He reminded Edwards to be courteous to local officials, to meet requests for services by the station's 'Hottentots' whenever he could, never to take Khoisan complaints 'solely on their own word' and never to 'conceal their faults', but to defend them firmly when the need arose. A problem for intermediaries on the Khoisan's behalf was the low esteem in which colonists held 'Hottentots' for, as Barker remarked, they 'have no character to lose - a good character is a powerful check on an Englishman but ... a Hottentot is a Hottentot even if he was a saint'.²³ In the case of the Khoisan, a 'good name' neither conferred the status nor invoked the sanctions which take their meaning from acceptance as a peer.

The people's response to Philip's plans to reconstruct their village on a new and better site did not at all times measure up to what was hoped but many tendered their earnings and hard work. Three English artisans set up a system of apprenticeship for Khoisan youths - a rare exception to the usual practice taking that name at the Cape. When the Commissioners of Inquiry visited the station in 1824, they were impressed. Progress was slow but steady with respect to the obsessive mission object of replacing 'huts' with houses made of brick: Three in 1825, nine in 1826/27, twelve by 1828. All told, the 'fit to be free' campaign which

Witbooy, Piet Nimmo, Cornelis Magerman, Marthinus van Bueling, Oranje Wildschut, Platje Hans & Frederik Jordaan, ibid., pp. 135, 148, 155, 171, 175, 192-93, 202-03, 207.

²² Missionary Chronicle, 4, 1826, p. 448.

²³ Currie, 'Theopolis Mission', I, p. 156 (citing ZL 10/1/D, Barker-LMS Directors, 8/7/1826); Missionary Chronicle, 4, 1826, p. 167; Theal, RCC, 28, Memorial of the LMS Directors, 14/9/1826 (citing a memorial of 30/1/1826), p. 196.

Philip launched in 1822 gave reason to rejoice.²⁴ This pleasing outcome was accomplished while the mission Khoisan struggled to cope with problems noted in other contexts: Allegations of colluding in illicit trade, or violating mission codes which governed their permission to hunt; pressure on the unemployed to leave the mission and take up indenture; the felt injustice of the opgaaf; subjection to a system whereby persons with property and fixed abode were liable to arrest as vagrants; false arrests and the exploitation of prisoners at the hands of jailers and other parties;²⁵ poor access to natural resources, especially land;²⁶ and the demoralising effect of the contempt of the majority of colonists.²⁷

In its first fourteen years Theopolis had shared the burden of defence and other hardships (wheat-blighting rust, livestock theft, floods) with the white settlers, whose sufferings are much better known.²⁸ On 1 August 1828, news of Ordinance 50 reached Theopolis. Next, Stockenstrom arrived to talk about 'the late Ordinance & its effects, & on the state of the Hottentots in general'. 'May they appreciate the advantage they have received',

²⁴ Currie, II: Journal of George Barker, 1822-23 passim & pp. 143, 163, 180, 197; Sales, Mission Stations and the Coloured Communities, pp. 81, 86-87. For apprenticeship see V.C. Malherbe, 'Indentured and Unfree Labour in South Africa: Towards an Understanding', SAHJ, 24 (May 1991), passim.

²⁵ When Barker sent two accused of theft in custody to Graham's Town, the escort party was imprisoned as well, Currie, 'Theopolis Mission', II: Journal of George Barker, p. 120.

²⁶ Of that experience Barker wrote: 'Never did I see a Magistrate put on such a stern countenance before', Currie, II: Journal of George Barker, p. 157 (10 & 12/12/1825).

²⁷ Of a visitor from Dr Philip's church in Cape Town, Barker wrote: 'He has been for some months out among the Settlers and has imbibed their hostile ideas in regard to the Hottentot', Currie, II: Journal of George Barker, p. 164 (3/1/1826).

²⁸ For the desolation of Theopolis in the 1823 floods, see Missionary Chronicle, 1824, Wright-LMS Directors, 11/10/1823, pp. 74-75.

their missionary wrote.²⁹ A sequel to this milestone which affords a glimpse of the world of the Khoisan when Ordinance 50 was newly in effect was the livestock pound established by Thomas Philipps, Justice of the Peace.

Thomas Philipps' Pound

Compared with the relaxed response of Uitenhage's Van der Riet, the civil commissioner of Albany and Somerset was negative about conditions in those districts in the wake of Ordinances 49 and 50 of 1828. He complained about

Hottentots who are neither in service with the Boors nor entered in the Books of the Missionary Institution at Theopolis, as they are never stationary, but wandering with a few Cattle and Goats from one part of the District to the other occasionally visiting Grahams Town and Bathurst, and lurking in their vicinity for weeks together.³⁰

'Vagrancy and excession' had increased since at least 150 Albany Khoi (and some 100 more in Somerset) had left their jobs, or else been laid off in favour of the contract workers under Ordinance 49. Free to 'indulge in their strong and ... unaccountable desire to ramble', they would not work even for the wages offered for a wagoner's skills - skills they possessed which the cross-border workers had not yet acquired. A farmer complained,

to point out the situation we are placed in, I need only state that last Thursday, I applied to the School [Theopolis] for Hottentots, offering a dollar a day with their rations and two glasses of Brandy each - Two men promised to come, but they have not kept their word.³¹

Thomas Philipps, leader of a British settler party and the JP nearest to Theopolis, put the situation in a somewhat different light. According to him, some months passed before the import of the twin ordinances sank in. When the mission Khoisan became aware of the influx of workers from across the border in terms

²⁹ Currie, II: Journal of George Barker, p. 207 (5/11/1828 & 7/11/1828).

³⁰ CA, 1/AY 9/6, Civil Commissioner-Burton, 13/3/1829, p. 188.

³¹ CA, LG 2, Crause-Stockenstrom, 8/12/1828, pp. 48-49.

of Ordinance 49 they were 'disquieted'. But, Philipps alleged, 'the consequences will be equally beneficial to them by forcing them to regular labor instead of being dependent on the high wages they obtained for casual employment'. This inversion whereby the colonists' interests are represented as the Khoisans' is a symptom of paternalism which stems, as Genovese has said, from 'the necessity to discipline and morally justify a system of exploitation'.³²

Given the negative reactions of most colonists to Ordinance 50 at this stage, Philipps' sanguine comments come as a surprise - the more so as he had frequently given vent to animus against both missionaries and the Khoisan.³³ Now, he averred, the former were cooperative, sending offenders directly to him, instead of leaving justice to the mission corporals, and assisting when he had 'to interfere with any Hottentot in their Establishment'. He urged 'some recompense' to encourage this trend.³⁴ Missing from his report is a clear basis for understanding why the attitude of missionaries changed or how the altered process was impacting on this enclave of Khoisan. Certainly Ordinance 50 with its promise of equality before the law would have altered perceptions of appropriate relations with the justice system. Furthermore, not all the missionaries can have enjoyed 'sustaining the

³² Genovese, Roll, Jordan, Roll, p. 4; CA, CO 2713, No. 258, Philipps-Bell, 29/1/1829, p. 548 (either the despatch number or the date is incorrect, i.e. if the former is correct then the date must be 29/12/1829). Support for a delayed reaction is found in a letter by 'A Traveller' who alleged that few Khoisan of the interior districts were aware of Ordinance 50, SACA, 14/2/1829.

³³ Keppel-Jones ed., Philipps, see e.g. pp. 116, 133 (1822), 172 (1823).

³⁴ CA, CO 2712, No. 80, Philipps-Bell, 10/4/1829, p. 305; CO 2713, No. 258, Philipps-Bell, 29/1/1829, p. 548. The mid-1820s had seen vigorous resistance by Theopolis missionaries to the superintendence of the field cornet, see CO 2662, No. 120, Rivers-Brink, 7/9/1824 & enclosure, also No. 138, Rivers-Brink, 4/10/1824 & enclosure; 1/AY 8/76B, Edwards-Dundas, 19/12/1825, p. 588. This dispute harked back to Van der Kemp's attempt to bypass the landdrost, Currie, 'Theopolis Mission', I, pp. 37-38.

character of Magistrate' as well as 'Father Master and Minister of the Gospel' which had been enjoined on them before.³⁵

A revealing incident is the establishment on Philipps' initiative of a pound at Rietfontein, near to Theopolis, where he had a farm.³⁶ His plea, that this would save driving impounded stock to Bathurst or to Graham's Town, was supported by the civil commissioner who appended a potent argument of his own:

... the lands granted to the Theopolis Institution are likely to be overstocked in consequence of the number of Hottentots who have lately quitted the service of the Boors, assembling there with their cattle, and the expedient proposed by Mr. Phillips [*sic*] appears to be the only one likely to prevent serious injury from trespass on the surrounding lands.³⁷

The reference to Ordinance 50 ('lately quitted the service of the Boors') would have been understood by all concerned. Before long, Philip could add the costs of over-zealous impoundment to the reasons for extending lands available to the Theopolis Khoisan.

Livestock trespass and pounds were regulated by a Government Minute of 1825. This publication of what appears to have been existing (rather than newly enacted) law coincided with the presence of Bigge and Colebrooke. As the commissioners observed, "the trespass and impounding of Cattle formed one of the most general causes of vexation and disturbance" at the Cape.

³⁵ CA, ZL 1/3/7, Box 8, Folder 1B, Campbell & Philip-Directors, Memorial, July 1819. The secular duties of the missionaries did not, in fact, end with Ordinance 50, see: CO 485, No. 32, Read Jr & Sr-Philip, 23/3/1839, contrasting practice at the Kat River Settlement with that in the colony; Cape of Good Hope Ordinances, 1842/43, including Minutes of Evidence taken before a Committee of the Legislative Council on the Judicial Establishment of the Colony ..., C.J. Brand, p. 42.

³⁶ Philipps called his homestead 'Glendower' or 'Glendour'. The pound was probably on land at Rietfontein acquired by the man appointed poundmaster, Thomas Wells, see CA, 1/AY 11/3, Transfer Dues Received ... Albany, 1821-, 31/1 & 3/2/1829.

³⁷ CA, 1/AY 9/6, Civil Commissioner-Acting Secretary Bell, 9/1/1829, p. 163 (cited Malherbe, 'Trespass and Pounds', p. 30); 1/AY 8/18, 16/1/1829.

Disputes inevitably arose from "the pursuit of agriculture in grazing Countries"', of which the Cape was one. The regulations had been framed for the protection of the burghers' property in towns where many had substantial gardens and where livestock also was allowed. Rural pounds could be established, if desired, "upon the principles and in the spirit of the Minute"'. The nearest pounds to Philipps' sphere of action as JP had been, as said, at Bathurst or in Graham's Town.³⁸

Related to the overstocking anticipated by the civil commissioner was the mission's quest for extra land. Two thousand morgen were added in 1820 by Sir Rufane Donkin to the original 3 000 but more was required. At the same time as mission people were asking government if it believed that hundreds of Khoisan deserved no more than the equivalent of two Dutch farms, British settlers were scouting in the vicinity for properties of the right size and lushness for stock farming. Philipps had set his heart on 'Capt. Lynch's Post', four km from Theopolis: In his wife's words, 'The Reit Fontaine was an old Post and the land about it is remarkably fine'.³⁹ An official sent to sort out rival claims betrayed his bias when he expressed the fear that this and other tracts might 'fall into possession of the neighbouring Institution of Theopolis'. Several settlers - among them Philipps who got the 4 000 acres he coveted - were thus successful in 1825 when titles were given out. The loss of pasturage which the mission people regarded as their own had ramifications beyond the obvious ones: It forced the break-up of the herd, which required extra guards, which forced some adults to leave their jobs and children to forsake their school.⁴⁰

³⁸ Malherbe, 'Trespass and Pounds', pp. 20-21.

³⁹ Keppel-Jones ed., Philipps, pp. 220 & 216-37 passim.

⁴⁰ CA, CO 8547, Papers ... relating to Mr. Hayward's Mission to Albany, 1824; GH 1/74, No. 710, Bathurst-Somerset, 12/10/1825, pp. 186-87; ZL 1/3/9, Box 10, Folder 2E, Miles-Directors, 28/7/1827 & Box 11, Folder 2B, Miles-Directors, 8/8/1828; CO 381, Philip-Bell, 11/3/1830, Appendix B, pp. 768-70. These disputes were resurrected when the Theopolis lands reverted to the Crown,

Macmillan traced the facts ('tiresome, and a little obscure') of the land disputes which 'dragged on' for nearly twenty years. He believed that a combination of early casualness in the handling of land allocations on the frontier and later favouring of settler claims above those of the Theopolis Khoisan had the result that the officials said their hands were tied.⁴¹ At the point when both the 50th Ordinance and the livestock pound were new, hope was alive that Britain would secure the mission Khoisan's interests. This proved endlessly elusive. In 1830, after Philip intervened,⁴² Campbell with three surveyors conducted an on-the-spot investigation attended also by Barker, Philipps and some twenty Khoisan. The verdict was that no encroachments had occurred. When Barker 'put in the claim of preoccupation' in terms of a proclamation of Somerset's, Campbell declined to entertain it.⁴³ Philip returned to the fray, marshalling the evidence to support the institution's claims yet again.⁴⁴

CO 4394, 9 & 10/2/1854 & enclosures; CO 769, No. 324, 13/11/1860.

⁴¹ CCQ, pp. 226-30. Theopolis historian Currie disputes Macmillan on this issue, charging him with inaccuracies which favour Philip, 'Theopolis Mission', I, p. 204. A study in sufficient detail to settle the outstanding questions awaits a thorough investigation, beyond what would be appropriate here.

⁴² Philip's 55-page 'Statement' (CA, CO 381, Philip-Bell, 11/3/1830, Appendix A, pp. 709-66) was designed to vindicate his position, in his Researches, regarding the Theopolis land transactions, and bring together all the arguments of which he was aware to support the mission's claims. Cory's allegation that he falsified the map he used is repeated in the DSAB despite the fact that Macmillan cleared him of this charge, see Andrew Ross, John Philip (1775-1851), Missions, Race and Politics in South Africa, Aberdeen University Press, 1986, pp. 107, 112.

⁴³ CWMA, George Barker's Journal, 23/11/1830; CA, 1/AY 9/6, Campbell-Bell, 3/12/1830, pp. 381-85. Regarding a resurvey of Boer farms, Campbell remarked, 'in every case the occupant was dissatisfied and imagined his boundaries had extended much further than they actually did', 1/AY 9/6, No. 10, Campbell-Bell, 3/2/1832, p. 498.

⁴⁴ CA, CO 398, No. 135, Philip-Bell, 22/4/1831, pp. 637-64. In 1833 the LMS directors advised him to leave the matter alone.

Missionary Edwards explained the crisis into which the Khoisan were plunged by Philipps' pound in letters whose emphases say much about the disposition of power, and relations between the various parties. In his communication to the civil commissioner he kept in mind the warning of Philip, never to conceal the Khoisan's faults. Their distress - in money terms, above Rds 100 in fees and fines - was due, he said, in part to the destruction of 'best pasturage' by a fire which 'one of our Hottentots', with a mission neighbour, had caused. Because of this, the cattle strayed 'direct to where the young grass is to be found' and were impounded almost daily. None of this found its way into his letter to the LMS director, Orme, who was informed that after one of the new settler neighbours departed (R.M. Bovey, who went to Fort Beaufort but without surrendering his farm), 'the Hottentots taken the liberty to graze their cattle on his land'. Offsetting this advantage had been the arrival of retired army sergeant Grant upon his newly allocated ground. Then, despite a disastrous season due to locusts and drought (when trespassing by hungry cattle was harder to control), the government had taken 'Phillips [sic] advice to sanction a little pound'. At once, Grant and Philipps had become 'most active in impounding the cattle' of the mission Khoisan. Those rich in cattle were the losers, for example, the Valentyns who have been mentioned above.⁴⁵

With the civil commissioner, Edwards was frank about a single act of carelessness - news of which might 'anyway have reached official ears. With Orme his frankness took a different form. Khoisan frailties were encoded in the mission correspondence as the foil for missionary exploits and, as such, not prejudicial to the broad objective which he had in mind:

Those who get but a day's work receive too generally not money but a little brandy in the evening, when many irregularities follow and numbers are frequently imprisoned for fighting and breaking the peace. If the Hottentots had

⁴⁵ CA, 1/AY 8/80, Edwards-Campbell, 16/4/1829, p. 315; ZL 1/3/9, Box 11, Folder 3C, Edwards-Orme, 20/5/1829; CO 381, Philip-Bell, 11/3/1830, Appendix C. For straying elsewhere at this time of drought see 1/AY 8/80, 20/1/1829, pp. 50-51.

resolution enough to withstand this kind of payment the storekeepers and others would be compelled to pay money instead of liquor, and much evil would be prevented.⁴⁶

The shame was that a persecutor, Grant, was favoured even though his lifestyle was a disgrace and no example to the Khoisan: 'He lives in a miserable hut, and in point of civilisation, not a degree above them. He has the best pasturage about Theopolis and is most advantageously located to annoy us,' Edwards claimed.⁴⁷

Exposed as a result of his complaint were serious irregularities on the poundmaster's side. To redeem their stray beasts, Khoisan without the ready cash to pay the pound fees were forced to cede some of their stock. These he valued at rates favourable to himself, to the Khoisan's unfair loss. Those who had cash were not 'very expert to discriminate the value of a piece of money ... and often have no other alternative than give all they have into the hands of the individual with whom they have to transact business'. Through ignorance, they did not get receipts. When Edwards demanded them, the poundmaster demurred that he would need to hire a clerk for such a quantity of paperwork. A further revelation was that Grant divided the trespassing stock into two lots for driving to the pound - a well known ploy for feathering one's nest by doubling the fees which drivers (or their 'masters') were allowed to charge. Edwards lodged a civil claim against the poundmaster, Thomas Wells. To Orme he boasted that not a single head had been impounded since the missionaries had complained. In future, though, pounds like the one installed by Philipps to harass the Theopolis Khoisan would regularly appear where independent communities of black peasants and pastoralists happened to be formed.⁴⁸

⁴⁶ CA, ZL 1/3/9, Box 11, Folder 3C, Edwards-Orme, 20/5/1829.

⁴⁷ *Ibid.* Philip, who had visited the contested sites, claimed that Grant lived 'like a pig' in huts inferior to those at Theopolis, CA, CO 381, Philip-Bell, p. 750.

⁴⁸ Nigel Worden & Clifton Crais eds, Breaking the Chains, Slavery and its Legacy in the Nineteenth Century Cape Colony, Johannesburg: Witwatersrand University Press, 1994, pp. 282-84; CA, 1/AY 8/80, R. Edwards-Campbell, 16/4/1829, pp. 315-18 &

The venality of poundkeepers and of other parties where impoundment was concerned was too widespread to figure as a special problem for Theopolis Khoisan. The singular event was the creation of a pound with so precise a target: If the Theopolis Khoisan offended, they did so in circumstances peculiarly beyond their own control. The flurry of impoundment in early 1829 had, in fact, no basis in a sudden overstocking of the mission. Few who may have left the farms as a result of Ordinance 50 appear to have gone directly to Theopolis. Richard Miles, the acting superintendent at the Cape while Philip was in England, was opposed to a new chapel on the grounds that numbers there were 'not very considerable The abolition of the pass system has produced, as was to be expected, this effect'. In Edwards' words, since the Khoisan were 'no longer afraid of being thrown into prison, on their going abroad to seek employment, we have fewer at the Institution'. First the pound's mismanagement had been exposed, and then its very raison d'être denounced as a fraud. Numbers declined further when, because of drought, unfriendly neighbours, and the failure of their applications for more land, some of the 'most able' residents ('such as have cattle, waggons, and oxen, plough, etc.') left to take up the 'separate farms' unexpectedly on offer in the 'Neutral Territory' in 1829.⁴⁹

At an LMS meeting in his honour in England, Philip had spoken optimistically of 'public opinion upon our side'.⁵⁰ This expectation faded after he returned and he acknowledged that Ordinance 50 was a first step only:

... whatever laws may be framed for the protection of the Hottentots, and whatever may be affirmed respecting the equality of their rights, with those of the white

Poundmaster, Rietfontein-Philipps, n.d., p. 342; ZL 1/3/9, 20/5/1829; 1/AY 6/8, Civil Records, 1829, No. 676. For the list of individuals affected and fines paid, see CO 381, Philip-Bell, 11/3/1830, Appendix C, p. 772.

⁴⁹ CA, ZL 1/3/9, Box 11, Folder 3A, Miles-Orme, 14/1/1829; Folder 3C, Edwards-Orme, 20/5/1829; Malherbe, 'Trespass and Pounds', passim.

⁵⁰ Missionary Chronicle, 1829, p. 331.

population, their civil rights will remain a mere name until the principle upon which those rights are founded, is carried into full effect in all the measures of the Government affecting them ... not only the mass of the white population but many influential individuals in this Colony are yet to be taught that the Hottentots are, in all matters of right, to be treated exactly on the same footing as themselves. And I shall be happy not only for the sake of the Institution at Theopolis, but for the sake of diffusing over the Colony at large a knowledge of the principles of Universal Justice, that the decision of His Excellency in this case is such as will tend to correct the popular and fatal error, to which I have had occasion to advert ... Whatever the law may say respecting the civil rights of the Hottentots, they can never believe that they have the same civil rights unless they are treated on the same principles.⁵¹

Philipps looms inimicably in his presumptive role as squire, institutionalised by his appointment as JP. Identified among the liberals (or 'radicals') in settler historiography, he was a friend of Thomas Pringle and others of the humanitarian school. Bank refers to the 'strong liberal current' introduced by British settlers who fought for the civil rights denied them by the autocratic Somerset regime. This was so but, as Elbourne (with Bank's concurrence) declares, 'the British settler lobby walked something of an intellectual tightrope. The importance of "liberty" warred with the desire for racially-based labour legislation'. For as long as Philip championed the cause of 'distressed settlers' on the eastern frontier, he and Philipps were on good terms.⁵² Neither Philip nor the Theopolis people can have been aware of the deception (of which Philipps privately bragged) whereby he had sought his grant from Somerset, who had come east on tour: 'On coming near my place ... I purposely led the Governor to Lynch's post direct, without going past the House I had ventured to begin building' (he had permission to graze his

⁵¹ CA, CO 381, Statement (enclosed in Philip-Bell, 11/3/1820), pp. 706, 757.

⁵² 'Liberals and their Enemies', Ch. 4 passim; Elbourne, 'Freedom at Issue', p. 136. In July 1825, Philip visited the Philipps and 'amused us very much with his anecdotes of the political occurrences at Cape Town', Keppel-Jones ed., Philipps, p. 249.

cattle, not to build). This stratagem contributed to his triumph over all his rivals for the 'fine' property at Rietfontein.⁵³

Philipps became the most active of the station's neighbours in impounding Khoisan livestock. Philip appears to have taken heed that the JP, whom he thought a friend, was hostile to the interests of Khoisan - occupying disputed land, petitioning to limit their liberties, initiating the pound - only when a generalised adverse response by settlers to Ordinance 50 had set in. In fact Philipps had long despised Theopolis as a 'receptacle' for 'idle' Khoisan.⁵⁴ As seen, by 1830 Philip had revised his earlier opinion of the JP but when Philipps went to England in 1835, Barker gave him an introduction to the LMS as someone able to report on how things stood.⁵⁵ In his testimony before the House of Commons Aborigines Committee, where battle lines between the settlers and humanitarian liberals were firmly drawn, Philipps' entire sympathy was shown to lie with the settler lobby. The attitudes of settlers such as Grant and Philipps and the tribulation of the pound - reminders of freedoms not yet won - were factors pushing the Theopolis Khoisan to leave the station when, a few months later, they were informed of the Kat River lands.

⁵³ Keppel-Jones ed., Philipps, 11/2/1825, p. 234.

⁵⁴ Philip, Researches, I, p. 271; CA, CO 381, No. 150, Appendix A, p. 767 & Appendix C; Keppel-Jones ed., Philipps, e.g. pp. 250, 335, 366. Mrs Philipps was pleasantly surprised when she visited the mission for the first time with Philip as guide - an indication of the negative reports she had been fed. It need not follow that, in personal relations or official dealings with 'the poorer Hottentots', Philipps was not sometimes just or kind: He complained that as JPs received no pay he was hard put to feed the poor Khoisan from "Reed Fountain" and Theopolis who called on him, CO 2713, No. 218, Philipps-Cole, 12/11/1829, pp. 370-71.

⁵⁵ Currie, 'Theopolis Mission', I, p. 211. Currie (who makes no mention of the pound) stresses that Barker did not share Philip's views on many matters of concern both to Theopolis and the Society at large. Currie's n. 32 is in error: references to Philipps, both of which depict him as a hostile witness, appear in two letters by James Read Sr to Kitchingman, see le Cordeur and Saunders eds, The Kitchingman Papers, pp. 163 (& n. 11), 167.

Khoisan hunters, Dutch farmers - An uneasy mix

The hunters in the LMS community were, not surprisingly, among the early migrants to Theopolis: Cobus, Jan and Hendrik Boezak, for example, were known as 'great' hunters of elephant and had prospered in comparison with most Khoisan. Theopolis was near to still-rich hunting grounds. In 1824 John Maskell, keeper of the station shop, approached the landdrost on behalf of men who were tied down by their commitment to rebuilding the village: Might they augment their means by shooting elephants, said to 'abound' on local river banks? This was refused - and, possibly, had irked the missionaries who, as seen, reluctantly supported the Khoisan's right, along with colonists, to follow a hunting career.⁵⁶ Barker was angry when he learned that hunters - members of the church, who had been absent for some time - 'had disposed of all the teeth at various Canteens'. Currie suggests that they were meant to trade them 'through the Mission which ... took a percentage or paid wages to the men'. As missions struggled to be self-supporting, one sees the scope for mixed responses based on principle and need.⁵⁷

The 'Boezaks' - undifferentiated in the records as they usually are - had, through their reputations as hunters and captains, acquired a measure of fame among the colonists. Thus Philipps tells of meeting one:

... our attention was drawn to a party of Hottentots, that were employed in collecting shells to burn for lime, which they sell at Graham's Town. My companions immediately went up and accosted the old man, whom they call Boezak, a Hottentot leader. The countenance of this old man exhibited the most striking marks of an original character; he had a piercing eye, and a look of so much intrepidity that I could not but feel anxious to know something of his history. I learned that he was a man of singularly abstemious habits, seldom or never being induced to take

⁵⁶ CA, 1/AY 8/7, Brink-Rivers, 19/8/1824, enclosing Maskell memorial, 27/7/1824; CO 2662, Rivers-Brink, 1/9/1824.

⁵⁷ Currie, II: Journal of George Barker, p. 202 & n. 738 (May 1828). If drink was accepted as payment for the tusks - a matter not made clear - that would have upset the missionaries.

any thing but tea-water. His roer was his constant companion, day and night.⁵⁸

This was almost certainly Cobus. In 1829 the civil claim of Cobus Boezack vs John Hannan, a mason, for L7.10.0 which Hannan owed for '16 muids of lime sold and delivered' was upheld.⁵⁹

In March 1829 the civil commissioner of Uitenhage informed his counterpart in Albany that he had allowed Cobus Boezak to shoot elephants on government lands.⁶⁰ Boezak employed a team of hunters and was not always personally at the scene. In the course of his interview with Moodie (Chapter 5), C. F. Scheepers complained about a party composed of 'Boesack' (possibly Jan), Abram, Flink and another man who arrived at his farm in February 1829. They claimed 'they had permission from Cobus Boezak to drive and shoot all elephants between Scheepers and J. Knoetse's farms (about 3 hours away)'. He let them proceed - on a promise of 'half the teeth they might obtain'. After they had gone, claiming to have shot nothing, Cobus came with a wagon from Theopolis. Scheepers told him how to find his friends and soon his servants happened on the party, 'roasting a Bush Buck' well inside his land.

Scheepers and his neighbour, Marthinus Oosthuisen, were outraged by the insolent (as they described it) way these 'Hottentots' asserted their rights. The hunter, Booy Bastard, was claimed to have said they would hunt where they pleased and 'had permission

⁵⁸ Anonymous [Thomas Philipps], Scenes and Occurrences in Albany and Caffer-land, South Africa, London: William Marsh, 1827, p. 60. This compilation by a family member, based on his correspondence, is altogether more benign in tone respecting the Khoisan than much of the Philipps material. At another point he reports that 'Hottentots' prefer tea 'almost to brandy or tobacco', p. 94.

⁵⁹ CA, 1/AY 6/8, Civil Records, 1829, No. 727.

⁶⁰ CA, 1/UIT 15/13, van der Riet-Campbell, 3/3/1829, p. 85. Van der Riet mentions that on 4/7/1828 Campbell had 'granted him a licence (on a 25 Rds stamp) to shoot Elephants in the Albany District'.

to shoot, if it was in the Farmer's kraal'.⁶¹ One would like to know if, in his choice of words, he was deliberately rubbing in the 'levelling' which burghers blamed on Ordinance 50 and abhorred. The noble defiance of Korekei and other Khoisan at the stage of primary resistance to conquest⁶² stands in striking contrast with the taunts reported after colonists and colonised related in more personal, familiar ways. That said, the fact that speeches such as this one only reach us after filtering through one or more non-Khoisan intermediaries deters too-facile a deduction of what the examples mean.

Walter Currie, the field cornet of Bathurst, made a firm connection between hunting, livestock theft, and vagrancy: 'Whenever a party of Hottentots are hunting or loitering about, loss of cattle ... is sure to follow Hunting and searching for honey is commonly only a pretext for the more convenient stealing of cattle.' The Khoisan 'know well that upon the successful management of this business depends their ability to exist in the state of idleness in which we see them', he complained. Their allies, who opposed a vagrancy act, exposed their comprehension of these links when they maintained that 'restraining their thievish habits would actually be an inroad in their liberty'. For their part, Currie said, the Khoisan stood together: They 'will rarely give evidence against each other' where 'only themselves are concerned'.⁶³

Currie's answer to the impasse was to amend or to ingeniously apply existing laws. If the game law restricted hunting licences to those who held a hundred acres of land, or showed a certain annual income, this would rule out many applicants. Hunters without a licence and those pretending to look for honey could

⁶¹ CA, CO 2713, 15/4/1829, pp. 571-78.

⁶² See, e.g., Penn, 'Northern Cape Frontier Zone', p. 97, citing Leibbrandt Mss 20, 8/3/1731. Refer also 'The Khoisan Speak', Chapter 1.

⁶³ CA, 1/AY 8/80, Currie-Campbell, 18/8/1829, pp. 637-39.

be arrested for trespass or thwarted by more rigorous controls upon the sale of suspect goods - livestock, honey, hides. Though he inveighed against the 'nests of Hottentots ... in ... fields and bushes', Currie targetted Theopolis men who, he alleged, pretended to shoot elephant and buffalo when, in fact, their 'Horse and Pack ox loads of meat' had come from settler livestock they had killed.⁶⁴

The treatment of Jacob Jacobs by an Under Bushman's River kinsman of Scheepers has already been described: Frontiersmen born and bred in the pre-ordinance mindset vis-a-vis 'the enemy within' were as yet unreconstructed - and, perhaps, would so remain.⁶⁵ It cannot with certainty be known if these Khoisan would have been as self-assertive if not aware of their changed status under law. The fact remains that burghers, although discomfited by incidents like those described, still retained - by virtue of their hold on land and on the sympathies of most officials - the upper hand.

⁶⁴ CA, 1/AY 8/80, Currie-Campbell, 18/8/1829, pp. 639-47.

⁶⁵ A number of Scheepers of this ward joined the 'Great Trek', see C.C. de Villiers & C. Pama eds, Geslagregisters van die ou Kaapse Families, Cape Town: Balkema, 1966, II.

7. Evolving Strategies of Resistance: The Khoisan of Somerset and Graaff-Reinet

The application of Ordinance 50 was originally conceived in terms of 'Hottentots', until the words 'and other free persons of colour' were added on the grounds that categories such as 'Bushmen', free blacks, and Prize Negroes should be included.¹ The meaning of 'Hottentot' and 'Bushman' in 1820s parlance has been noted above, and reference made to the San of the Mancazana River in Somerset. In Graaff-Reinet the leader of a similar band, located inside the colony, was 'zekere oorlamse Bosjesman' ('a certain somewhat-acculturated-but-outside-the-social-hierarchy indigenous person'), termed so on the grounds that he had deserted service and possessed a gun.² His status prior to Ordinance 50 would have been unlike that of a Khoikhoi servant: San 'are not made subject to permanent engagements with the farmers and frequently leave them to rejoin their countrymen', the Commissioners of Inquiry had observed - echoing Stockenström's words that they were bound by contracts only after they had become 'confounded with the Hottentots'.³

As Marais explains, 'the laws which between the years 1809 and 1828 bound the Hottentots to the farmers and subjected them to a pass system, did not apply' to 'Bushmen' - a fact obviously conducive to their redefinition as 'Hottentots'. The laws to which he referred were the proclamations of 1 November 1809, 12 April 1812, and 9 July 1819. Concerns around the capture and binding of San children had resulted in 'protection' by means of formal indenture in 1817. But whereas the laws pertaining to

¹ Former chief justice Truter who was a member of the Council of Advice was responsible for this amendment of Ord. 50 according to Donaldson, 'Council of Advice', p. 399 (see also Chap. 3).

² CA, 1/GR 16/46, Civil Commissioner-Field Cornet Burger, 5/1/1829. The definition of oorlam follows Dederling, 'Southern Namibia', p. 96.

³ Theal, RCC, 35, Report ... 28/1/1830, p. 320; Chap. 1.

Khoikhoi were superseded by the 1828 ordinance, this proclamation was not repealed.⁴ Of concern here is the extent to which Ordinance 50 and contemporary measures altered conditions or impinged on the campaign of extermination and forced indenture affecting Khoisan who were (somewhat ambiguously) defined as Bushmen.⁵

By the 1820s, most 'Bushmen' of Somerset and Graaff-Reinet had experienced service with the colonists. This was said to be so of the persons captured by an 1827 patrol led by Field Commandant van Wyk. In response to thefts, the patrol moved northwards until it found a 'Bushman Kraal' on the Orange River (Gariep). Braving 'a constant shower of arrows', the men 'ascended a mountain difficult of access'. Without (as the commandant asserted) firing a shot, they took eighteen captives. At the camp they found seventeen oxen, twelve dead cows, a horse and two guns which were the property of Boers. Claiming that the prisoners had deserted legal indentures, Van Wyk distributed them among the burghers (two suspected of shooting a man were sent to the drostdy under guard). The landdrost approved the distribution until reminded that 'public punishment of capital offences' was essential to deter similar crimes, when he ordered any captives suspected of robbery to be detained for trial.⁶ As the patrol's raison d'etre

⁴ Marais, CCP, pp. 19, 24-25. In 1822, Stockenstrom issued regulations to strengthen the 1817 proclamation which, he claimed, had been largely ineffective, Theal, RCC, 15, Regulations issued at Graaff-Reinet, 26/12/1822, p. 186, & Bird-Stockenstrom, 9/1/1823, pp. 216-17.

⁵ Szalay argues for 'subjugation' instead of 'extermination' but it appears the latter is appropriate in the case of adult males who resisted the labour market, Miklos Szalay, The San and the Colonization of the Cape, 1770-1879, Conflict, Incorporation, Acculturation, Koln: Rudiger Koppe Verlag, 1995, p. 23.

⁶ CA, CO 2693, van Wyk-Mackay, 30/4/1827, pp. 268-69 & Mackay-van Wyk, 12/5/1827, pp. 271-73. The fact of the cows only being killed suggests that the San selectively destroyed the reproductive units among the burghers' livestock which was displacing game from their traditional hunting grounds (private communication, Prof. A.B. Smith, Department of Archaeology, University of Cape Town).

was to counter thefts, it would be interesting to know if any of the captives put to labour were surrendered as suspected thieves.

The thefts continued and a new patrol located four more camps. Of fifty-eight prisoners, six were freed to 'warn other Bushmen' and the rest indentured - for how long a period was not mentioned. Van Wyk reported that thirteen more (having no food but 'grass') voluntarily entered service, bringing the total to sixty-five. The landdrost extolled 'this excellent man' but the governor demanded to know on what authority he had led a patrol across the boundary and indentured captives. In what appears an evasive reply, the landdrost alleged that Van Wyk alone enjoyed this power ('in pursuit of stolen cattle') and could be trusted never to abuse it. 'Apprenticeship' required 'concurrence' - the San were never, he insisted, forced to enter contracts against their will.⁷

In 1798 peacemakers on the northern frontier had hit upon a policy of pacifying 'Bushmen-Hottentots' (by which the colonists meant 'Bushmen', not Khoisan, according to Penn) with gifts of livestock. Of this strategy, Penn has stated:

... by 1798, it was impossible even for Khoikhoi to exist as independent pastoralists ... in some of the most arid country in southern Africa Given the almost total ownership of the means of production by the colonists ... the proposal to wean the San from their "casual and

⁷ CA, CO 2693, No. 83, Mackay-Secretary to Government, 13/7/1827, pp. 485-86, No. 95, 9/8/1827, pp. 574-75, & No. 104, 6/10/1827, pp. 625-27. Lord Macartney's proclamation of 1797 concerning the calling out of burghers for such service was still law. When the district of Somerset was formed, men were enrolled to defend the drostdy town according to two lists, one of whites and the other of 121 Khoisan and Bastards, 'Fingos', 'Caffers' and 'Tambookies', 1/SSE 8/50, Militia Matters, 1825-1880, no date. In 1831 officials were still unsure if patrols could cross the colonial boundary to pursue Bushmen who 'have resided within the Colony during the greater part of their lives and may therefore be considered as its subjects', 1/SSE 12/4, Clerk of the Peace, 16/2/1831. In 1823 the traveller George Thompson found van Wyk (then a field cornet) to be 'in some respects superior to the generality of his countrymen' but 'a bitter hunter of the Bushmen', Travels and Adventures, I, p. 40.

predatory supplies" was but a prelude to their wholesale incorporation into the colonial economy as labourers.⁸

Three decades later no better means of rescue could be found by one 'anxious to find out some plan calculated to reclaim the unfortunate Race ... [of Bushmen] from the state of misery into which they are plunged'. A perennial difficulty was 'to protect the Savages after we have supplied them with stock', that is, when they had 'property to lose'. These problems notwithstanding, their would-be benefactor (Stockenstrom) was at a loss for a better scheme.⁹ Miklos Szalay has shown that the peace strategy introduced in 1798, of which the livestock distributions were a part, was abandoned after the mid-1820s when colonial San were in forced servitude and their former living space was colonised.¹⁰

Beyond the colony, where 'peaceable Bushmen' agreed to live under a missionary's superintending eye, the gifts of livestock donated by frontier farmers were welcome but did not obviate the need to hunt. The people suffered because colonists in search of seasonal grazing occupied the fountains and pastured stock where the wild game, vital to their subsistence, used to browse. Another problem for San and their missionaries on the pastoral frontier was veeboer hostility when it was found that those who had engaged as herds left this employment in order to join the mission. In any case, the missionaries on the Caledon River claimed, 'the Boors had got almost all the children in their possession before we came here'. The situation did not improve: In 1830 James Clark reported that farmers came with no documents or contracts and removed San from the mission. Withdrawal to the fringes of the colony was not a real solution for securing their independence

⁸ Penn, 'The Northern Cape Frontier Zone', pp. 46, 404.

⁹ CA, ZL 1/3/9, Box 10, Folder 2E, Stockenstrom-LMS, 18/7/1827. Stockenstrom enlisted the burghers to donate stock, with some help from government to win Griqua cooperation.

¹⁰ The San and the Colonization of the Cape, pp. 25-27, 40-42. Other aspects of the strategy were peace accords and the giving of staffs to those recognised as chiefs.

by this stage.¹¹ Of the missionised San in general, Szalay says: 'In the view of the government the role of the mission stations was to serve the needs of "wild Bushmen" ... It was particularly because they took in deserting workers that the missions were attacked by farmers and the government.' He ascribes the closure of successive San missions to colonial expansion, by and large.¹²

A description of the San by a missionary seemingly imbued with notions of the Great Chain of Being has them reduced by the daily struggle to survive to the opposite extreme from a British Christian:

The Bushmen are a people quite unaccustomed to think on subjects beyond the regions of sense. Their every days talk is only about "What shall we eat?" ... They have, indeed, some faint idea of a Supreme Being, and of a world to come; but their notions of these subjects are deficient and gross in the extreme ... Their moral character (as is the case, indeed, among all heathen and barbarous tribes) is as deficient as their religious belief ... Living in small families, consisting of eight or ten individuals, they are entire strangers to the common bonds of civil society. Having no property of his own, except his bow and poisoned arrows, the Bushman is prompted to steal the property of others ... having no government of their own (and they will not have any), every man doth what is right in his own eyes ... what has been stated may excite the good people of England to thankfulness to that God who hath made them to differ¹³

In passing it may be noted that their bows and poisoned arrows (mentioned here) served as trophies and - as with the ears or tail of vermin - were offered by their enemies on both sides of

¹¹ Missionary Chronicle, 8, 1830, Letter from Bushman Mission near Caledon River, 31/12/1828, pp. 369-71; CA, CO 2713, No. 188, Campbell-Bell, 14/8/1829, pp. 228-31; 1/GR 10/10, Clark-Civil Commissioner, 16/9/1830. An example of confusion derived from colonist-imposed identities is found where the 'Hottentot' Zwartbooy received a pass to cross the Gariep and visit his children in the 'Bosjesmans Instituut', 1/GR 16/46, 14/1/1829.

¹² Szalay, San and the Colonization of the Cape, pp. 52-57.

¹³ Letter dated 31/12/1828, Missionary Chronicle, 8, 1830, p. 370.

the frontier as proof of having exterminated the San owners of this 'property'.¹⁴

Around the time of Ordinance 50, these fraught conditions were exacerbated by the worst drought in living memory. Colonists moved en masse with their herds and flocks across the Gariep in search of water and pastures, upsetting the fragile equilibrium involving pastoralists (Tswana, Griqua, Corannas, Bergenaars) and San, and reducing some to a diet of ants which, also, were scarce ('a precarious mode of subsistence as these animals are not always to be procured'). Civil Commissioner W. S. van Ryneveld of Graaff-Reinet and Beaufort promoted the stock subscription scheme with zeal and reported an impressive response, though it is difficult to trace how many were delivered to the San.¹⁵

When Van Ryneveld spoke of the San he almost invariably referred to them as a 'much neglected and unfortunate Race', or words to that effect, precisely as Stockenstrom had done (see above). This construction is not the pure expression of sympathy and concern which it appears to be at the first blush. 'It is much to be lamented the unfortunate life the Bushmen still continue to lead', he wrote when 'depredations' were reported from the Nieuweveld in Beaufort; 'It is certainly much to be regretted that this unfortunate Race should continue to lead such a life as they have hitherto done by which means bloodshed is so often the result'; and so on. What was 'unfortunate' about the 'Bushmen', as the steady progress towards a violent climax which accompanies these sentiments affirms, was less their tragic history than their current failure to concede that dispossession

¹⁴ CA, 1/SSE 8/98, G. Devenish-Mackay, 19/8/1826, with reference to a 'Tambucco Captain'.

¹⁵ CA, 1/GR 16/44, Civil Commissioner-Clarke, 27/6/1828 (Winterhoek-1282 sheep, Agter Sneeu-berg-130 sheep & 10 horned cattle, Boven Zekoerivier-236 sheep, Hantam-116 cattle, Onder Zekoerivier-103 sheep, Rhenosterberg-259 sheep); 1/GR 10/8, Clarke-Civil Commissioner, 16/8/1828 (saying he wrote to field cornets 'but has as yet received no definitive answer' from them); 1/GR 16/43, No. 40, Civil Commissioner-Bell, 18/9/1828.

and forced labour were their lot. Inexorably, it would be argued that 'His Majesty's peaceable inhabitants' had just one option, namely, to repulse by force 'that unfortunate and much to be pitied race' - pitiable in having brought this nemesis upon themselves, the coded language of officialdom informs us by these words.¹⁶

San Banditti in the Baviaans River ward of Somerset

Matters concerning those banditti who were lodged in the southern sector of Somerset came to a head in September 1828 after one of them struck with a poisoned arrow the farmer, Gerrit Erasmus, who resided on the farm of Thomas Pringle's brother John. It is not clear how Erasmus' status differed from that of the Bastard tenants who figure largely in this affair. An account of the arrival in 1821 of some dozen Bastard families at Glen-Lynden, the Scottish location in the Baviaans River ward, appears in Pringle's Narrative. Those with property - 'equal to many of the poorer boors' - were taken on as tenants and the less affluent employed as servants and herds. As 'predatory Bushmen' had already been discovered nearby, the Bastards were doubly welcome in that each adult male possessed a horse and gun.¹⁷ Doubtless the Erasmus family, which included a grown son, was as welcome on these grounds.

Pringle refers to this 'band of native banditti ... composed partly of wild Bushmen from the north-east, partly of tame Bushmen (as they are termed) who had absconded from the service

¹⁶ CA, 1/GR 16/45, No. 77, 15/7/1829; 1/GR 16/46, 16/7/1829 & 23/10/1829.

¹⁷ CA, 1/AY 8/79, Resident Magistrate, Somerset-Civil Commissioner, 17/9/1828, pp. 500, 524; Pringle, Narrative, pp. 107-11. Pringle names Christian and Karel Groepe, Klaas Eckhard, Nicholas Blok and Joseph Arendz as well-to-do. (For Bushmen and the atrocities committed on them, see pp. 221-31). A number of Groepes, Bantams, Arendses, Bloks, Eckhards and others such as Jan Joubert & Adam Rensburg, identified elsewhere as Bastards, appear in J 182, Somerset District Opgaaf, undated. Some of these men had 'Hottentots' attached to them as well as property in wagons and stock.

of the boors'.¹⁸ He purported to abhor the cruelties inflicted on the Bushman by the Dutch, yet he believed that 'however guilty the colony may have been in pursuing a system of injustice and oppression which had ... driven most of these unhappy outlaws to their present mode of life, it was obvious that their predatory career could not be allowed to continue'. Thus in 1825 he asked the landdrost for relief 'combining protection to the colonists with mercy to the outlaws'. The result was indistinguishable from what had gone before: 'Commandoes of boors ... after the usual mode' and the slaughter or arrest of the offending band.¹⁹ In fact, the Narrative's mild tone is contradicted by Pringle's private comment on this episode:

The Bushman at the Koonap continue to plague us - ungrateful schelms! Even after I have celebrated them in song, they stole my brother's riding possessions last week and severely wounded a Bastard Hottentot with poisoned arrows. So I have declared war against them and have written to the Landdrost for a Commando to attack them in their rocky dens.²⁰

As A. E. Voss points out, Pringle's delineation of his 'solution to the frontier problem' revealed his ambivalence with regard to 'two opposing modes of thought'. He did not doubt that 'civilised' Europe must triumph but whereas, philosophically, he thought it possible and right to 'subdue savage Africa by Justice, by Kindness, by the talisman of Christian Truth', in practice he embraced the land and security demands typical of colonists, being one himself.²¹ Pringle left the Cape before the following events in which his brothers John and William became engrossed.

¹⁸ Narrative, p. 222.

¹⁹ Narrative, p. 223.

²⁰ Cited by Bank, 'Liberals and their Enemies', p. 202. The original (Pringle-Fairbairn, 21/6/1825) may be found at the National English Literary Museum, Graham's Town.

²¹ 'Thomas Pringle and the Image of the "Bushmen"', English in Africa, 9(1), May 1982, p. 24 & passim; Pringle, Narrative, pp. 50, 321. Pringle requested more land a year after he arrived, CA, 1/GR 13/13, II, T. Pringle-Donkin, 5/6/1821.

In May 1828, William Pringle reported the theft and slaughter of several horses. Field cornet Van der Nest of the Baviaans River ward had been reporting for months the deeds of 'rovers'. Now he declined to act unless he received 'a distinct authority' from government: A patrol previously sent out had shot 'one of these wretches' for which he was censured and the man who fired the shot arrested on a murder charge. This was a result of the disallowance of an ordinance respecting the use of force in the pursuit of 'vagabond Hottentots, Slaves, and Bushmen' (Chapter 4). 'I have always endeavoured to do my duty under Government, and to do Justice to white and black', declared Van der Nest, wondering how he was meant to act in a ward all 'Mountains - Bushes and Rocks - in which nothing but vagabonds are living'.²²

The gang continued to plague the colonists, as did uncertainties concerning a patrol, until on 30 August the poisoned arrow - fired by a man he recognised - lodged in Gerrit Erasmus' hip. His son, who was with him at the time, had been about to shoot but Erasmus claimed to have warned, 'Do not fire for if you kill him you will be hanged for it' - conscious of this advice as telling proof of burgher disempowerment because of the withdrawal of Ordinance 9. The upshot, as it transpired, went some way to vindicate the new restraints enjoined in that Erasmus Jr managed to arrest the Bushman and retreat in safety, though fired on by his captive's friends who were secreted in the bush. Erasmus alleged that these Bushmen shouted, 'We do not mean to quit this

²² CA, 1/SSE 12/4, Van der Nest-Clerk of the Peace, 5/1/1828; 1/AY 8/79, Meintjes, Somerset-Civil Commissioner, 4/6/1828 enclosing Pringle-van der Nest, 31/5/1828, pp. 172-74, & Campbell-Meintjes, 24/9/1828, pp. 534-25; CO 2705, No. 212, Campbell-Bell, 19/9/1828, pp. 212-16. Van der Nest nursed a grievance over criticisms of his leadership: The resident magistrate of Somerset believed that 'three able and well armed persons' should have had no difficulty 'to have taken (without bloodshed) an unfortunate single Bushman' (the one killed), 1/AY 8/80, van der Nest-Campbell, 1/8/1829, pp. 558-59 & Onkruydt-Campbell, 4/11/1829, p. 947. Patrols were called for when, as in this case, the police were deemed 'not strong enough', 1/SSE 10/58, Resident Magistrate-Civil Commissioner, 17/9/1828, p. 34.

place; you may come back tomorrow and you will receive the same reception you received today'.²³

By this time, clarification respecting the conduct of patrols had been received - but so worded as by no means to allay all fears as to the use of force: 'In no case should firearms or other deadly weapons be used until all other means have proved abortive.' Further remarks fuelled the bitterness of persons on the spot towards those, safe in Cape Town, who made up the rules:

I do not see there can exist much danger or difficulty in apprehending these people when in small numbers as they usually are [this band, including women and children, was guessed to be between 18 and 30 strong], were that patience and forbearance used which surely ought always to be exercised when the life of a fellow creature is at stake.²⁴

In due course Van der Nest received a warrant to pursue Erasmus' attackers, no arrests besides that of the Bushman David having been made. At this point the Bushmen struck again, taking oxen which belonged to Bastards Martinus Appel and Gert Lottering. Van der Nest was worried still about the limits of his power but fairly quickly he and an eighteen-strong patrol surrounded the band, arresting five men, five women and eight children - not without bloodshed: Three of the patrol were wounded and a Bushman was fatally shot.²⁵

²³ CA, CO 2705, No. 212, Campbell-Bell, 24/9/1828, pp. 212-16, & No. 243, Campbell-Bell, 10/10/1828, p. 372, enclosing Pringle-Campbell, 6/10/1828, pp. 373-74. Pringle reported eleven more horses stolen, eight of them killed.

²⁴ CA, 1/AY 8/16, Oliphant-Bell, 20/6/1828 & Bell-van der Riet, 27/6/1828, enclosed in Bell-Civil Commissioner, 4/7/1828, pp. 196-201. In another despatch, the commissioner-general advised that field cornets should not entrust the leadership of a patrol to someone else (as van der Nest had done, to his deputy's cost): The field cornet was more aware of 'the danger to himself of unnecessary bloodshed on the part of the colonial force' than any burgher appointed in his place, CO 336, Commissioner general-van Ryneveld, 22/10/1828, p. 54.

²⁵ CA, 1/AY 8/16, Bell-Civil Commissioner, 25/9/1828, pp. 266-67; 1/SSE 12/4, Campbell-Onkruidt, 3/10/1828, Meintjes-Onkruidt, 3/10 & 14/10/1828; CO 2705, No. 320, Campbell-Bell, 12/12/1828, p. 722.

Crimes of such magnitude involving thefts, the slaughter and destruction of livestock, attacks on colonists, suspected murders of servants, and 'vagabonding' over a long period of time were matters for the circuit court. The captives (including Griet, Sarah, Dortje, Lys and another, wives of the above, and the eight children) were kept in custody until 9 June 1829 when Mr Justice Kekewich presided at the trials. David was charged with assault, not murder, as Erasmus, against expectation, survived. David Pimple, Kiewiet, Stuurman, Ruiter, and Kees (the last an escapee from detention for an earlier crime) were charged with assault and intent to murder. Preliminary examinations by the clerk of the peace supplied most of the information which the circuit judge required. One observer remarked on the speed of justice meted out: Nine cases, including this one, were handily concluded in a day.²⁶

The details elicited by the examinations are of interest but a few points only need be mentioned. All the prisoners were born in the colony and had been employed by farmers. They 'never remained long in one place' - a reference, perhaps, to the alternation by individuals of vagabondage with employment. The band had long been ensconced 'in the hills at the head of the Mancanza [sic] river' and was linked by witnesses to thefts and murderous assaults beginning a dozen years before. Their bravado wrankled: Appel, echoing Erasmus, said the Bushmen had 'abused them and challenged them to come again'. When surrounded by Van der Nest's patrol, witnesses said, one called out, 'Give me my assagay, Ta Ta, meaning Stick Stick', or 'Stick him dead', or - translated more freely to convey the threat - 'we will kill them all to the last man', while his friends chorused 'Taa Taa'.²⁷

²⁶ CA, 1/SSE 1/1A, Preliminary examination No. 25, 9/9/1828 and subsequent days & No. 39, 17/11/1828 and subsequent days; CSC 1/2/1/3, No. 1, 1829, Somerset, 9/6/1829, Cases Nos. 12 & 13; 1/AY 8/80, Mariller-Godlonton, 9/6/1829, p. 419. David Pimple, or 'Pipple', was regarded as the leader of the gang.

²⁷ CA, 1/SSE 1/1A, Case Nos. 13 & 14, 25 & 39; 1/SSE 12/4, Bell-Civil Commissioner, 25/9/1828. Robert Godlonton wrote of the 'cry "tza!" (tza is the cry used to encourage a dog to attack)',

Sentences of five years' imprisonment with hard labour were imposed on most.

It is likely that the band had formed around a nucleus of family members (Stuurman called Kees his brother) to whom others became attached. The men were guessed to range in age from 20 to 50, with David Pimple the senior man. The women ranged similarly but - curiously or not - with no match in terms of age in the recorded marital links. The wives professed their innocence: 'I was in the fields with my husband and I did no harm'.²⁸

Field cornet Van der Nest was swift to ask if the 'Bush girls Lys, Sarah and Griet' could remain with him, which was allowed on his assurance that 'they have agreed to do so without any compulsion'.²⁹ As for the children, William Pringle appealed strongly to indenture them:

Should it be your intention to apprentice out the children of the Bushmen who were taken prisoners here last week, I shall feel greatly obliged if you would let me have a boy and a girl of seven years old or upwards. I conceive that I have strong claims for this request being granted. For none has suffered more by their depredations than myself and had it not been for the assistance that I sent F. C. Vandernest on the occasion its probable they would not have been taken prisoners.³⁰

It is not clear under which provision Pringle hoped to have these children bound, whether the 8 August 1817 proclamation regulating the indenture of Bushman children or Ordinance 50 which permitted child indenture for seven years if they were orphaned, abandoned, or destitute, or if the full consent of parents were secured. The

A Narrative of the Irruption of the Kaffir Hordes into the Eastern Province of the Cape of Good Hope, 1834-1835, Cape Town: C. Struik, 1965 (facsimile of 1835 edition), see 'Introductory Remarks', p. 98, n*.

²⁸ CA, 1/SSE 1/1A, Case No. 39. Lys aged 50 was linked with Kees, 30; Dortje, 18, with Kieviet, 40, etc.

²⁹ CA, 1/SSE 10/58, Resident Magistrate-van der Nest, 9/7/1829, pp. 139-40.

³⁰ CA, 1/SSE 12/4, W.Pringle-Clerk of the Peace, 22/11/1828.

clerk questioned the propriety of this (did they not belong to any of the women, one would like to ask), saying they should be placed far from the scene of recent crimes.³¹ Whatever happened in this case, the erstwhile band - male and female, young and old - had been dispersed.

Despite the damage they were able to inflict, the resistance of the 'Mancazana Bushmen' to permanent absorption in the labour force appears suicidal when factors which must have entered in their calculations are taken into account. The colonists purported to think that the San were emboldened by their knowledge that the search-and-destroy capabilities of the commandos had been reduced but, in fact, the character of their defiance is very like that noted when armed burghers felt less subject to restraint. All of the members of this group were known to their pursuers on sight, having worked for farmers or served prison sentences or both. Lodged in a rocky fastness, they contrived a sort of family life largely by means of theft, which had the aim also of destroying breeding stock. By this strategy, they prolonged an independent mode of life but simultaneously provoked reprisals they could not indefinitely fend off. Their poisoned arrows were much feared but not a match for a well-armed and mounted patrol able to surround and penetrate their hiding place. Women and children concealed in 'holes' were unable to escape, and were more disposed than were the men to give themselves up.³²

This episode which ran its course in the interstices of a colonised region contrasts with the situation in the Nieuweveld, a frontier ward in Beaufort district, where the style of

³¹ CA, CO 2705, No. 270, Onkruidt-Bell, 20/11/1828, p. 503. Girls could be indentured to age 16, boys to age 18, see Arts. 12-16 of Ordinance 50. Child indenture carried on 'agreeably to the provisions of the ordinances Nos. 49 and 50' throughout 1829, 1/AY 9/6, No. 133, 10/4/1829, p. 205 & 24/12/1829, p. 290; 1/AY 8/18, 22/4/1829; CO 2712, No. 84, 10/4/1829, p. 324.

³² CA, 1/SSE 1/1A, State vs David Pimple, 24/11/1828.

confrontation harked back to the century of intermittent warfare traced by Nigel Penn. In October 1829, then-governor Sir Lowry Cole approved a large commando against some San who had 'struck such terror in the minds of the Inhabitants' that forty-four farms had been abandoned. A 'strong kraal computed at least at four hundred' was accused of murders and thefts, and of killing some fifty horses. After an attack in the dead of night on sleeping Boers who had assembled for their self-defence, sixty-six arrows were found. Burghers who had been slow to respond to earlier calls to form patrols were activated. Consistent with his often-stated views, civil commissioner Van Ryneveld believed that the measures he put in train to defend the district would 'at the same time prove beneficial to the unfortunate Bushmen'.³³

Khoisan resistance in the workplace in Somerset and Graaff-Reinet

Some six weeks after the passage of Ordinance 50, George Devenish complained that his 'Busch Boy Slinger', indentured to him for fourteen years in 1817, was 'impertinent' and threatening to leave. The ordinance repealed not only all the laws specific to 'Hottentots' but a proclamation of 23 May 1823 concerning the indenture of the children of 'prize Negresses' while failing, as noted, to repeal the 1817 proclamation affecting San children. Moreover, existing contracts were not annulled by Ordinance 50. But as the 1817 measure limited indenture to ten years and not fourteen, Slinger must have been within his rights and Devenish under a misapprehension - whether through official error or his own unacknowledged wish to detain a worker who was by then mature and trained. It is not known what plans Slinger had for himself - for example, if there were family members whom he wished to join - but ten months later he still complained that Devenish refused to let him leave.³⁴

³³ CA, 1/GR 16/46, Civil Commissioner-Clerk of the Peace, Beaufort, 14/4/1829; 1/GR 16/45, No. 111, Civil Commissioner-Colonial Secretary, 19/10/1829 & No. 116, 1/11/1829.

³⁴ CA, 1/SSE 8/99, Devenish-Onkruidt, 19/2/1829; 1/SSE 10/58, Resident Magistrate-Devenish, 7/12/1829, p. 193. Devenish is addressed variously as 'George' and 'John'.

The strength of family bonds among Khoisan has frequently been cited. The heartbreaking separations of parents from their children through the enforcement of Governor Cradock's child indenture proclamation of 1812 had been a powerful tool in humanitarian hands prior to Ordinance 50. In February 1829, T. Y. van Buuren of Somerset complained that Doortje, a 'Bushman', whom he sent away when she pretended illness (as he claimed) had returned - to work, he had presumed, but she insisted 'only to fetch [her] child'. This woman, he informed the magistrate, had used

the most abusive language, cursing, swearing, and said she, "be d...md if I'll ever come to you again" ... uttering the most violent and horrible words imaginable, venting her fury with belching out the most railing expressions, jumping and running to and fro like a spring buck; that at last I was obliged to send to the Gaoler, with request to put her in the Tronk.³⁵

Van Buuren expatiated on his own lofty principles, appealing that Doortje be ordered 'home' to work for him again: 'Convinced that you will not permit that the here mentioned oppressed Family [his own] will be abused by a Boshiesmans woman nor by anybody else'. Among other things, without Doortje he was obliged to mind his flock himself, to keep it out of the pound. As nothing was said to the effect that contractual arrangements had been breached, it appears as if Van Buuren's convenience and sense of proper master-servant relations were the issues here.³⁶

A similar tale of a dismissed woman (said to be a 'Hottentot') who returned to claim her children was related by Devenish. He had tried to detain her older children who were, he said, 'of much use to me'. In the course of their tug-of-war Els flew into a 'passion', such that he had been obliged to 'tie her to a

³⁵ CA, 1/SSE 8/99, T.Y. van Buuren-Onkruidt, 5/2/1829.

³⁶ CA, 1/SSE 8/99, van Buuren-Onkruidt, 5/2/1829 & enclosure dated 4/2/1829.

waggon' to calm her down.³⁷ Whether these women were acting as they might at any stage have done against enslavement of their children and themselves, or whether they were aware of new rights which their 'masters' withheld, may not be discoverable. News of such importance could have spread among Khoisan servants even if they had not been officially informed.³⁸

In this regard, 'A Traveller' stated in the Commercial Advertiser that few Khoisan in the interior, from where the writer had just returned, were yet aware of the ordinance in their favour. It ought to be explained to them individually, the writer went on to say.³⁹ There were, indeed, many signs of ignorance or doubt respecting the law. Although 'the important second clause ... swept away the law of Passes', papers called 'passes' were issued and contested still. Existing contracts remained valid for the period agreed - which probably explains why the 'Hottentot' Hendrik was required to have a 'pass of discharge': Trouble arose when he asserted that he had none because a Boer had torn it up. When the Khoi Jacob complained that Van der Nest detained his wife after his service had expired, the field cornet was advised that, if this were true, he should 'give him a pass and ... allow his wife to go with him'. The habit of issuing passes can never have been truly lost before it was prematurely revived on the strength of the vagrant law passed at the Cape in 1834 - which was shortly disallowed by the Crown (see Chapter 11).⁴⁰

³⁷ CA, 1/SSE 8/98, Devenish-Meintjes, 11/9/1828. The machinations of Devenish in this case are recorded in 1/SSE 10/58, Resident Magistrate-Devenish, 5/9/28, p. 31 & 15/9/1828, p. 32, and in other cases involving servants passim.

³⁸ See e.g. Penn, 'The Northern Cape Frontier Zone', pp. 198-200, regarding rumour and sources exploring this phenomenon. The 1817 proclamation regulating the indenture of Bushman children included the provision that masters should 'if thought necessary, give security to restore the child when demanded'.

³⁹ SACA, 14/2/1829.

⁴⁰ Macmillan, CCQ, pp. 211, 244; CA, 1/SSE 10/58, Resident Magistrate-Resident Magistrate, George, 16/9/1828, p. 33 & Resident Magistrate-W. Pringle, 25/2/1830, p. 221; 1/SSE 8/99,

The criminal record book for Somerset reveals ongoing violence on servants by their employers who were punished, if exposed, by fines and, now and then, by the annulment of the contract. When, in March 1829, Johannes Prinsloo was found guilty of assaulting Windvogel Platjes, the magistrate of Somerset noted for the first (and only) time: 'Ordinance No. 50 read and Article No. 22 explained to the Parties'. From this point on, cases involving 'Hottentots' markedly declined and, equally significant, their nature changed: Andries and Titus, both 'wandering' and charged with stealing sheep; Jager, for misconduct while in service and 'harbouring Hottentots in his room'. Clearly, the class of person so described was recognised as legally free to move around, though subject to conviction on the grounds of theft, trespass, or breach of contract in terms of Ordinance 50. 'Bushmen', so-called, do not appear in this record book at all in the first year after the ordinance became law.⁴¹

In the Graaff-Reinet Dagregister as well, routine pre-ordinance cases give way to instances where servants completing their existing contracts had problems detaching themselves. In a reversal of this pattern, Piet and Stamper declined to leave their employer when their father, Slinger, demanded their discharge. They 'preferred remaining with defendant to leading a wandering life with their father' and 'being of age could not be compelled'. Nevertheless, the magistrate was leery of long-term agreements 'under the present circumstances' and favoured monthly contracts. A month after Ordinance 50 - whether because of the new dispensation is not clear - the 'Hottentot Andries' was charged with land invasion when a farmer claimed that he and

G. Rennie-Onkruidt, 16/2/1829.

⁴¹ CA, 1/SSE 2/1, note cases 1 (prior to Ordinance 50), 10, 11, 15, 26, 29, 57, 82, 118, 130, 164, 181, 184. Concurrently, the frequency of cases where masters beat their slaves appears to have increased. See the case of the 'Bush-boy' Waterval, 23/10/1830, No. 159.

his family had established themselves 'on his measured Lands, and refused to quit the place'.⁴²

In some respects, 'Hottentot' resistance was perceived as of a different order from that ascribed to 'Bushmen'. For example, Khoisan lepers who resisted removal to Hemel en Aarde were called 'Hottentots'. The relevant law, in force since 1817, referred to 'Hottentots, Bastards, Freeblacks and Slaves' but not to 'Bushmen' - which is, perhaps, another example of the arbitrary way in which the language of colonial law imposed identities on the Khoisan.⁴³ It is of interest that when the son of a (white) burgher was diagnosed with leprosy a problem arose because the law did not refer to 'the Burgher Class' - a class to which all the categories covered by the law, except the slaves, in fact belonged by the time that this distinction was made.⁴⁴

In 1828, Van Ryneveld of Graaff-Reinet adjured the district surgeon to keep removal plans a secret to prevent the lepers' running away. As no burgher wished to hire out his wagon to transport lepers, the ways and means as well as the expense of executing the project were a considerable burden.⁴⁵ Eighteen lepers, all 'Hottentots', were at last rounded up. Van Ryneveld's chagrin was great when three escaped even before the government wagon he fitted out had left the village. More trouble came about through the carelessness of field cornets in wards through which the wagon passed. Escapees were easily traced as their invariable object was to rejoin their families and friends. After several

⁴² CA, 1/GR 7/16, J.H. Viljoen vs Andries, 25/8/1828 & Slinger vs S.W. v.d. Merwe, 17/2/1829. See also, e.g., cases of 26/9/1828, 29/12/1828, 3/2/1829, and two cases dated 9/9/1829.

⁴³ See the proclamation of 14/2/1817 in CCP 6/5/1.

⁴⁴ CA, 1/GR 16/47, Civil Commissioner-Resident Magistrate, Beaufort, 7/1/1830.

⁴⁵ CA, 1/GR 16/43, No. 63, Civil Commissioner-Colonial Secretary, 25/12/1828; 1/GR 16/44, Civil Commissioner-District Surgeon, 20/9/1828; 1/GR 16/45, No. 18, Civil Commissioner-Colonial Secretary, 4/2/1829.

months a second load was sent, the twelve 'Hottentots' disposed of then including four lepers from the earlier batch.⁴⁶

The isolation of lepers at the Cape had been decreed at a point when 'learned' opinion was not agreed that the affliction was contagious. Despite this uncertainty, lepers were shunned and the fact that some were abandoned to their fate was described as 'shocking to humanity to reflect upon'. Compassion was thus the stated reason for the proclamation which took them in custody and isolated them. Of note in this respect is the case of the 'Hottentot' Truy, a healthy woman who was 'frequently taken up' from among the lepers and told to quit the village of Graaff-Reinet. Truy 'obstinately refused', insisting that 'her husband being infected with that disease she will never leave him'. On the occasion of her obstinacy in January 1828, she was placed in eight days' solitary confinement on bread and water as punishment. The loving care of families on the spot thus had no place, once the isolation policy was in force. Hemel en Aarde was like a prison. The inmates received bread and meat but erected their own huts and were subject to 'severe penalties' if they absconded and were caught. Khoisan resisted this banishment, which was for life. Eventually the lepers were transferred to Robben Island, a place from which escape was virtually ruled out.⁴⁷

Khoisan resistance at the time of Ordinance 50 of 1828

By the late 1820s, resistance which took the form of banditry and massed attacks was often perceived as a 'Bushman' phenomenon.

⁴⁶ CA, 1/GR 16/46: Civil Commissioner-Civil Commissioner of Uitenhage, 28/1 & 7/2/1829; 1/GR 10/9, List of lepers with Names, Ages, Occupations, etc., 29/1/1829; Civil Commissioner-Resident Magistrate, 6/2/1829; Civil Commissioner-Field Cornet Coetzee, 17/10/1829; 1/GR 8/19, Civil Commissioner, Uitenhage-Civil Commissioner, 11/2 & 18/2/1829. See also 1/UIT 15/13, Civil Commissioner-Civil Commissioner, Graaff-Reinet, 3/11/1829, pp. 331-32.

⁴⁷ CA, 1/GR 13/19, 28/1/1828; CCP 6/5/1, Proclamation of 14/2/1817.

Those so defined possessed a 'country' beyond the colony which neighbours like the Griqua and emigrant colonists ought, in the Cape government's view, to respect.⁴⁸ Legassick described the changes which had taken place:

White frontiersmen were now across the Orange, pasturing their cattle, and on occasion trading and raiding. And, partly for this reason, the Colonial Government itself was more watchful of events in Transorangia than in the formative years of the Griquatown state. The Colony was not yet willing to intervene directly to advance its interests. But it was perturbed by disorder, especially on the rare occasions when raiding groups entered the Colony and attacked white farmer families. Such attacks do not appear to have involved any notions of hostility to the Colony itself⁴⁹

Be that as it may from point of view of fact, the perception of frontier farmers was the reverse when Khoisan were seen to mass. In September 1829 the field commandant of Beaufort was convinced that a strong band of 'Bushmen' was preparing for 'een inval op die Colonie'. So great was the apprehension of this threat that the civil commissioner gave orders to call up a hundred burghers.⁵⁰ In these circumstances, when Khoisan and commandos clashed it was 'Bushmen' who died, or were captured and indentured, or were charged with serious crimes and tried by judges of the circuit court.

Labour disputes involving Khoisan servants, on the other hand, brought 'Hottentots' before the magistrates. Trespass and petty thefts committed by Khoisan who formerly were subject to the proclamation of 1 November 1809 were attributed to 'Hottentots'.

⁴⁸ See e.g. Hutton ed., *Autobiography*, I, pp. 373-82; CA, 1/GR 16/44, Civil Commissioner-Stockenstrom, 22/10/1828. In Legassick's view, Stockenstrom had become 'myopic' with regard to actual power relations in Transorangia at the time: 'There was little that could be done to preserve territory for the San. They would have to remove, or become incorporated as dependants', 'The Griqua, the Sotho-Tswana, and the Missionaries', p. 398.

⁴⁹ 'The Griqua, the Sotho-Tswana, and the Missionaries', p. 382, describing 'The New Balance of Power, 1826-1832'.

⁵⁰ CA, 1/GR 16/46, Civil Commissioner-Jacobs, Provisional Veld Commandant, Beaufort, 22/9/1829.

Though not so dangerous to the safety of the colonists as the 'Bushmen' were, they yet were represented as in need of group-specific restraints: 'There is no race of beings in the world that requires more attention and protection from a government than that of the Hottentot. By nature they are volatile, thoughtless and unmindful of future provision,' a colonist wrote.⁵¹

In certain respects, the Khoisan fade from the records during the course of the 50th Ordinance's first year. No longer subject to restrictions peculiar to themselves, they featured less often in the records kept by magistrates and clerks of the peace. Before Ordinance 50, a frontier resident observed, 'the magistrate's offices were almost daily full of litigations between masters and servants, and patrols [sic] for suppressing gangs of cattle stealers were of very frequent occurrence'. This situation had greatly changed.⁵² The fact remained, however, that the Khoisan were 'too indigent to operate with confidence on the labour market',⁵³ or in other spheres which their de jure status as free burghers had in theory opened up to them. The records of Somerset and Graaff-Reinet convey little sense of energy released, or Khoisan liberated to compete with the long-privileged colonists. Their voice was mediated by officialdom (there were no vocal mission intermediaries in these districts, though missionaries represented Khoisan interests from beyond the borders of the colony). These conditions doubtless, in part, account for the strong impression that resistance expressed as banditry and massed attacks, defiance and evasion of unacceptable controls, remained a significant component of the Khoisans' interface with the districts' governments and colonists.

⁵¹ SACA, letter signed 'Candid', 21/3/1829.

⁵² SACA, letter signed 'H.C.H.', 2/7/1834.

⁵³ See Bayly, Imperial Meridian, p. 221, for this expression.

8. The Khoisan's Options in the Framework of Equal Rights

Claiming the land: The Khoisan's 'ancient right'

Among the issues brought into focus during the Jacob Jacobs and Wildschut Platje affairs, that of land access was significant as Ordinance 50 had so recently affirmed the Khoisan's right: It was

lawful for any Hottentot or other free person of colour, born, or having obtained Deeds of Burghership in this Colony, to obtain and possess by grant, purchase, or other lawful means, any land or property therein. (Art. 3)

Before the impasse in the Under Bushman's River ward, 'divers inhabitants of the district of Uitenhage sprung principally from the Gona and other Hottentot tribes' had petitioned for grants in that very region. The signatories emphasised their 'ancient right' to the land and presented their claims as 'superior to those of any other persons whatever; and especially to the claims of individuals already possessing extensive farms'. Without asking that the present owners be dispossessed, they submitted 'it to be just to reserve all that is left for them and their children'. Two versions of this memorial were sent to Cape Town, one by Bannister and the other by the LMS missionary Robson. Both asked to see the survey maps of the 'country east of Algoa Bay' so that vacant land could be identified. The petitions bore the names of leading families at Bethelsdorp and referred (as a reminder of the rights underpinning their claims) to the 'civil blessings' recently conferred.¹ For immediate relief (the eastern districts were gripped by drought), they petitioned also for permanent access to the place, Gorah, which had been used for grazing in the past: When Major Pigot of Albany applied for it, an official had remarked that it was 'a very large extent of

¹ CA, CO 362, No. 3, Robson-Bell, 17/1/1829, p. 9, enclosing Memorial, pp. 12-14, & No. 35, Robson-Bell, 23/6/1829, p. 109; CO 3941, Memorials, Nos. 79 & 80, and Bannister, 21/2/1829, pp. 377-78. The memorials drew attention to other needs such as for education, for 'religious communion', and for exemption from the toll on the turnpike to Port Elizabeth (see below).

unoccupied land ... and ... the resort of many vagrant Hottentots'.²

Considerable discretion in disposing of Crown land lay in the hands of district officials, whose reports concerning its availability and proper use reflected this discretionary power. For example, in 1826 the landdrost of Albany alleged that 'almost every acre ... has already been apportioned' but a year later he buttressed claims regarding the district's labour needs by stating that it had 'a much larger proportion of available land than any other part of the Colony'.³ Bannister would later advise the House of Commons' Aborigines Committee against false claims that the Cape had no more land, urging that what was left 'should be reserved for coloured people, and be disposed of so as best to reward good conduct, and to promote the amalgamation of the races'.⁴ It may be noted that both here and in the memorials in which Bannister had a hand, land is requested to be 'reserved', a safeguard against alienation whereby the public good (in this case, the Khoisan's) was jeopardised.

The system by which land was disposed required that parcels be surveyed and described in terms of extent, nature, distance (calculated as travel time by ox wagon) from Cape Town and the district drostdy, and so on. In making awards, the civil commissioner assessed the carrying capacity of the land compared with the numbers and types of stock the applicant proposed to graze. Where cultivation was feasible, the applicant ideally had the means, in draught animals and free servants or slaves, to utilise that potential. As an asset at government's disposal,

² CA, CO 3941, Memorials Nos. 79 & 80; CO 8547, Papers ... relating to Mr. Hayward's Mission to Albany in 1824.

³ CA, 1/AY 9/5, Landdrost-Plasket, 14/2/1826, p. 58 & No. 86, 5/6/1827, p. 280.

⁴ BPP, No. 425 (1837), Report from the Select Committee on Aborigines (British Settlements) together with Minutes of Evidence, Appendix and Index, Irish University Press Series, 1968, Anthropology, Aborigines, II, Minutes, p. 19.

land was perceived by the administering officials as requiring close attention and care: 'Perfectly consistent with the interests of government' was a typical comment when petitions were approved.⁵ Peires has said: 'It was not government policy to make land grants to undercapitalised applicants, and government awards always went to the richer claimant.'⁶ The appointment of a surveyor-general and land board in 1828 aimed to strengthen existing controls as well as the delivery system respecting the disposal of land. However, memorials of every kind including those for land went to the governor first and were rerouted at his discretion.⁷

In expectation of a favourable reply to their petition of early 1829, the Bethelsdorp memorialists had appealed for the remission of quitrent for ten years, as had been granted the British settlers in the Zuurveld a decade before. In fact, the quitrent system of land disposal described above entailed a capital outlay ahead of any income generated from the property acquired. Where land had never previously been surveyed, the prospective owner was obliged to deposit in advance 'the probable expense of the inspection and measurement'.⁸ When privately held land changed hands, a transfer duty equal to 4% of the purchase price was levied and the purchaser was fined if payment was not rendered at the time when it fell due.⁹ Requirements such as these

⁵ CA, 1/UIT 14/45, No. 305, land grant to C.F. Scheepers; LBD 1, Land Board Minutes, 14/11/1828.

⁶ 'The British and the Cape', Shaping, p. 504.

⁷ T.R.H. Davenport & K.S. Hunt, The Right to the Land, Cape Town: David Philip Publisher, 1974, p. 1. The governor also oversaw the end of the process by signing the title deeds.

⁸ The governor insisted that the terms of the Government Notice of 21/11/1828 requiring this should be enforced, CA, 1/UIT 10/14, Colonial Office-Civil Commissioner, 22/5/1829, p. 108.

⁹ The governor sometimes remitted fines for late payment of transfer dues, as in the cases of Philip Botha & D. Keteldas, CA, 1/UIT 10/14, Colonial Secretary-Civil Commissioner, 30/12/1829, p. 319.

undoubtedly deterred Khoisan (and poorer whites as well). Commissioner-general Stockenstrom recognised the difficulty this entailed, recommending that they be allowed 'a reasonable term for the payment of expences of survey, etc., and improvement of the place'. It is not clear if this encouragement was ever offered.¹⁰

The Bethelsdorp memorials were rejected by the governor, Sir Lowry Cole. He seized upon the fact that the appeals were made, not individually but in the name of 'the whole Hottentot population'. To admit them would place the Khoisan 'on a situation different from and superior to that of any other class of the Inhabitants'. In April 1829 the civil commissioner of Uitenhage invited the missionaries to inform 'any persons at Bethelsdorp who have applied for Lands' that 'the appraisement of same' would take place on certain days in the various wards. This invitation, though it acknowledged the Khoisan's right of access, was addressed to individuals. Land Board records for the initial period post-Ordinance 50 show just six Khoisan applicants - three (for a single property) in Somerset, one in Uitenhage, and two elsewhere.¹¹

The government had not entertained the notion of restitution. The petitioners' point that their reinstated right of access required 'the indispensable means of obtaining grants' in order to be exercised was dismissed as unfair - what would be called 'reverse discrimination' by opponents of such measures today. A general principle - to wit, no discrimination in favour of a 'class' -

¹⁰ CA, CO 336, Commissioner-general, 1828, No. 22, Stockenstrom-Colonial Secretary, 13/12/1828, p. 100; CO 402, No. 5, Stockenstrom-Bell, 12/4/1832, pp. 16-19. A proclamation of 28/1/1814 provided that new grants be rent free for ten years.

¹¹ CA, CO 362, No. 3, NB notes for Bell-Robson, 28/1/1829, responding to Robson-Bell, 17/1/1829, pp. 10-11; CO 5302, Bell-Robson, 28/1/1829, p. 38; 1/UIT 15/13, 30/4/1829, van der Riet-Robson, p. 128. By 'Khoisan applicants' is meant those designated 'Hottentot'. Paul Keteldas's application is discussed in Chap. 8.

may aim at fairness but subvert that goal when decontextualised, as in this case. The governor's verdict appears to have been formed without taking into account the historical and present circumstances which justified the Khoisan's plea for special treatment as a group when, as a group, their rights had been denied. In point of fact, given the moral significance with which private property had been imbued, an administrator such as Cole would know his duty to repress 'social forms' - 'communal forms of tenure' being one - perceived as retrogressive and opposed to current notions of reform.¹²

Having virtually foreclosed the Khoisan's options for acquiring land, the governor made a concession to relieve immediate needs. Acknowledging that they were 'suffering severely',¹³ the civil commissioner relayed the news that government would allow 'the Bethelsdorp people to occupy provisionally any unappropriated Government Lands' or to use Gorah 'temporarily'.¹⁴ Read appealed to lift the condition of forfeiture if their cattle strayed: When the colonists' cattle trespassed there were 'no informers against such Boers, but there soon will be against the Hottentots', he said.¹⁵ Gorah became a staging post for parties removing to Kat River (see below) and, almost at once, there were complaints

¹² See, e.g., Bayly, Imperial Meridian, pp. 6-7. In the same dispatch in which he rejects 'extraordinary measures' to uplift the Khoisan, on the one hand, but advocates concessions with regard to payment of survey and other expenses on the other, Stockenstrom further demonstrated his freewheeling pragmatism by recommending that where they 'can prove themselves capable of stocking, or cultivating a farm, a proportionate quantity of land be ceded to them', CA, CO 336, No. 22, Stockenstrom-Colonial Secretary, 13/12/1828, pp. 99-100.

¹³ For livestock losses, valued at Rds 6 671, at Bethelsdorp due to severe drought, see CA, LG 5, Read-Stockenstrom, 16/5/1829, pp. 123-29.

¹⁴ CA, 1/UIT 10/14, Colonial Secretary-Civil Commissioner, 12/6/1829, pp. 126-27.

¹⁵ CA, 1/UIT 10/14, Colonial Office-Civil Commissioner, 12/6/1829, pp. 126-27; LG 5, Read-Stockenstrom, 30/6/1829, pp. 138-39.

about the numbers there.¹⁶ In 1834 it became the focus of a nasty quarrel involving field cornet Buchner and the missionaries on behalf of the Khoisan.¹⁷ 'Provisional' and 'temporary' had been key words: In 1835, Gorah ('6 000 acres of fertile commonage') was given to a colonist in exchange for a farm needed to secure the properties through which flowed the town of Uitenhage's water supply.¹⁸

An intriguing aspect of the Khoisan's new eligibility to 'purchase or possess Land' is the relevance of Christian baptism which, formerly, had been crucial to this burgher right (Chapter 4). The vast majority had some exposure to Christianity but even at the mission institutions far from all had earned (or sought) formal admission to the Christian church. By making birth as a free person in the colony the basis for citizenship, the 50th ordinance was revolutionary in a sense not generally remarked. Stockenstrom denoted his appreciation of this fact when he wrote that 'the Hottentots, being natives of the colony, and consequently in my opinion born to the right of citizenship, and entitled to hold land ... stand naturally on a level with the Burgers'.¹⁹

Claiming the Land: The 'faithful soldier's' right

A tenuous exception to the unfavourable prospects sketched above was the spasmodic concern for those who served in the Cape Corps (since 1827, the Cape Mounted Riflemen). As a subtext to their expression of group rights, the Khoisan petitioners represented that 'faithful soldiers in regiments, or upon commandos' were especially deserving of a share of the land which they, side-by-

¹⁶ CA, LG 5, Read-Stockenstrom, 23/9/1829, pp. 151-53. A major reason for the crowding there was interference by a field cornet, see also Read's letter of 8/9/1829, p. 148.

¹⁷ See BPP, No. 538 (1836), Papers referred to in Evidence of the Rev. J. Philip, pp. 737-39.

¹⁸ CA, M1/2669, Sketch of Uitenhage.

¹⁹ De Zuid-Afrikaan, 23/3/1832.

side with colonists, risked their lives to protect. Already, in fact, the Commissioners of Inquiry had proposed that 'the option of receiving allotments of land should be held out to the Hottentots on their enlistment, and which they should obtain at the expiration of the usual period of service (7 years)'.²⁰

Nothing appears to have been done about this prior to Ordinance 50 but soon after it was recommended that Hendrik Klaas, 'a very good man', be invited to petition for 'such spot of ground as may suit his purpose'. Klaas had just retired after eighteen years' service during which he became sergeant-major, the highest rank available to 'Hottentots', and earned the warm regard of his commanding officer.²¹ By August 1828 James Read believed that Klaas was in possession of some ground, with others likely to be favoured, but a hitch had developed. Bannister took up Klaas' cause: A single colonist, he found, had claimed 34 000 acres - without seeming inclined to relinquish the small portion intended for Klaas. The case was evidently lost because in 1830 the name of Hendrik Klaas appears among ex-soldiers at Theopolis petitioning for land.²²

Khoisan soldiers and mission residents who sought their rights by means of memorials to the government were a small group compared with the numbers of Khoisan servants freed by Ordinance 50 to seek an independent life. Many who left the farms had no option but to squat. The class of squatters embraced those

²⁰ Theal, RCC, 26, pp. 457-58.

²¹ CA, 1/UIT 10/13, Colonial Office-Civil Commissioner, 29/7/1828; CO 358, Mounted Rifle Corps, etc., 4/1/1828.

²² Le Cordeur & Saunders eds, Kitchingman Papers, p. 98 (n. 153 states that he lived at Koonap Heights); CA, CO 362, Robson-Bell, 17/1/1829; CO 3941, No. 49, pp. 414-16; CO 381, Philip-Bell, 11/3/1830, Appendix B. Bannister claimed that, instead of receiving the pension due his rank, Klaas was 'struggling with poverty upon 3d. per day', p. 415. In fact he received only half his rightful pension (2 1/4 instead of 4 1/2 pence/day) for two full years before this was rectified and the shortfall made up, 1/UIT 10/15, Bell-Civil Commissioner, 29/6/1830.

without property, whom the colonists perceived generally as thieves, and pastoralists with livestock but without pastures for their herds and flocks. Bandit groups consisting at least in part of former servants were discussed in Chapter Seven. The 'urban option' is discussed below and, next, the early steps towards the establishment of independent peasant communities of Khoisan in the eastern Cape - 'early' because other communities were formed upon the freeing of the slaves.

The urban option

Whereas free blacks are seen sometimes to have acquired town erven, there seems to have been no comparable dispensation for 'Hottentots'. No example has been found of Khoisan living independently - and legally - in eastern towns prior to Ordinance 50, and provision was slow after that. Few had the artisanal or commercial skills best suited to sustain village life while, for pastoralists, a village base was problematic without a farm, or grazing on a farmer's place. Commonages were often overstocked in violation of the limits set. For example, in the village of Somerset erven holders could keep eight horses, a span of oxen, six cows and twenty-five sheep, offenders being ordered to restrict their stock to 'the original number allowed ... at the sale of the erven'. Impounded animals, when not disposed of promptly, depleted grazing to the townsmen's 'great detriment'. Church attenders from surrounding farms, traders and travellers all required grazing for draught animals while they were in the towns.²³

Government anticipated - or speedily observed - the movement of newly mobile Khoisan to the towns. On 29 September the governor consulted commissioner-general Stockenstrom about a plan to 'settle Hottentot families on vacant Government lands situated in the vicinity of Towns and Villages where they may enjoy the

²³ CA, 1/AY 8/79, Ernst?- Dundas, 9/6/1828, pp. 182-83; 1/AY 8/80, Mariller-Campbell, 18/2/1829, pp. 129-30; 1/SSE 10/58, Resident Magistrate-Bell, 14/10/1828, p. 58. Butchers were permitted, say, 50 cattle and 300 sheep.

protection of a Civil Magistrate'. Cole proposed a three year rent-free period during which the erven holders must comply with certain standards in developing their plots. The vision of such settlements as near but not an integral part of the established towns is evident in the proposal for a separate commonage where the recipients of an erf could keep two milk cows or a few goats.²⁴

Arguably, limiting the commonage was simply a strategy to counter the rural ethos of first-time town dwellers: Already it had been found that urbanising whites were pleased to 'live in idleness upon the profits ... of their cattle' - a practice offensive to progressives for whom towns were the preserve of commerce, services and government.²⁵ However, the discrepancy between the livestock quotas for the established (mainly white) and Khoisan residents supports the impression that the latter's civic status must be second class.

In the event, Stockenstrom opposed settling the Khoisan 'in Villages near Towns or even remote therefrom', being convinced that they could not resist strong liquor and would sell 'every disposable article' to purchase it.²⁶ Innes, the teacher at Uitenhage's Free School, tried to persuade him that some Khoisan at least should be assisted to settle in the town:

Mr Innes thinks as many as possible should be drawn to this place and encouraged to build upon Erven - I agreed with his arguments which are - that there is plenty of day labour for them in the Town; they supply the People with

²⁴ CA, DSGEP 82, Bell-Stockenstrom, 29/9/1828. Farms formerly occupied by landdrosts - a perquisite abolished with the new district governments introduced in 1828 - were then up for disposal and were considered eligible for this scheme.

²⁵ RCC, 35, pp. 177-78; Malherbe, 'Trespass and Pounds', pp. 27-29.

²⁶ CA, CO 336, No. 22, Stockenstrom-Bell, 13/12/1828, pp. 98-99 (also C.W. Hutton ed., The Autobiography of the Late Sir Andries Stockenstrom, Bart., Cape Town: C. Struik, 1964 (first published 1887), II, pp. 350-52). Stockenstrom was to prohibit canteens at the Kat River.

fuel etc, etc, but having no houses of their own they rest for the night where they can, and the good and the bad mix.²⁷

Despite this measure of agreement, Stockenstrom declined to act:

I feel no objection to this in Towns and Villages where there may be an active Police, and Persons who will interest themselves about there [sic] improvement, Creatures as Messrs Smith, Innes, Murray, etc ... [but] The mass of the Hottentots are in a vagrant state and the remedy in the present crisis is I believe what I suggested in my [earlier] hints.²⁸

The result of Stockenstrom's advice was several years' delay, with no reversal of the Khoisan's townwards drift.

Civil commissioners exercised wide powers with respect to the disposal of urban plots as well as rural land (see above). For example, the commissioner of Graaff-Reinet opposed the Widow Muller's request for an erf, not feeling 'justified to recommend the alienation of the Erven in this Town'.²⁹ In 1829 it was queried in the press whether government erven in Graaff-Reinet village were granted 'to individuals, for cultivation, gratis'. Such inquiries drew attention to the fact that persons who could not pay - Khoisan, equally with colonist - would likely look for charity where government held vacant plots. At that point the civil commissioner took steps to sell the unallotted erven in the town.³⁰

Three months after Ordinance 50 the erven holders of Somerset convened to make a set of regulations:

²⁷ CA, LG 9, Stockenstrom-Bell, 11?/4/1829, p. 166.

²⁸ CA, LG 9, Stockenstrom-Bell, 11?/4/1829, p. 167.

²⁹ CA, 1/GR 16/43, No. 49, Civil Commissioner-Colonial Secretary, 27/10/1828.

³⁰ SACA, 'Fair-Play', Graaff-Reinet, 8/8/1829; CA, 1/GR 16/47, Civil Commissioner-Land Surveyor, 14/1/1830 (the plan was altered in favour of hire rather than sale, but still served the purpose since land which was 'a complete loss to the revenue' of the Crown went to persons undertaking to pay rent, 1/GR 16/48, No. 33, Civil Commissioner-Colonial Secretary, 15/4/1830).

To prevent idlers and other improper persons lurking about the village, no person whatever is to be allowed to take up his residence upon the Government Ground, anywhere within the limits of the Township, and all Huts or other erections ... shall be destroyed by the Police.

`No straw huts' should be erected and existing ones should be removed, as it was said, to reduce the risk of fire. Implementation was retarded by the fact that this cheap form of shelter housed officials, such as the police, as well as servants of erven holders - though this did not preclude enforcement where persons deemed undesirable infringed the rule. Robberies were attributed to `Slaves, Hottentot servants, and other persons of that description', or to `Hottentots or other persons of Colour who are lurking in the neighbourhood'. Employers, thus, were ordered to give passes to such persons if allowed onto the streets during the curfew (`between Bell Ringing ... and daybreak') - an example of the fact that passes were still a part of Khoisan life.³¹

`Temporary sheds' appeared `among the bushes' near Graham's Town. It is difficult to tell what proportion was accounted for by a migration from the farms and what by village servants freed to live apart from their employers; a correspondent using the nom de plume `A Labourer in the Vineyard' reported that his former servants who `are in the habit of raising mats, for houses, in the vicinity of Grahams Town' had `condescended to stop with me a month or two'. In August 1829, R. H. Rubidge complained:

The Mat Huts ... receive constant additions ... I think there cannot be less than 400 Hottentots, lodged after this fashion about the town ... in one of the gangs, supposed to be near 100 strong, skulks a lazy Englishman ... who (long before the promulgation of the 50th Ordinance) fraternized with Hottentots, sufficiently to satisfy the most philanthropic notions of the equality of black and white. Squads of ten, twenty, or more as easy as freedom and idleness can make them parade the streets ... We cannot

³¹ CA, 1/SSE 10/58, Resident Magistrate-Bell, 14/10/1828 & enclosure, 10/10/1828, pp. 51-58, also 4/2/1829, p. 99 & pp. 121, 209.

help being alarmed at what becomes of the horde when they are turned out of the town every night at nine o'clock.³²

The town of Cradock, too, reported 'Hutts at the end of the Erven in the Public Street' and some distressing incidents of rowdiness by 'Hottentots'.³³

The civil commissioner asked central government how Graham's Town should cope with 'evils that have arisen ... from the resort of Hottentots to the Town for various purposes'. Some were suspected of thefts; others, 'industriously disposed', were 'only now beginning to feel the value of their labor and the advantages of a fixed residence'. A 'general expulsion' would injure trade which benefitted from 'the quantity of occasional labor' on tap. The commissioner asked if he should grant 'small lots of ground within the Township' to 'such of these people who will undertake to build houses of certain dimensions within a prescribed time'. The governor's response (which was favourable to these ideas) and the actions pursuant to it form a part of the discussion of the 'urban option' where it is resumed (Chapter 9).³⁴

The magistrate reported numerous robberies in Uitenhage, where the 'artful' nature of the thefts had prevented detection of the offenders. The field cornet was instructed 'not to allow any temporary abodes upon Government Land either in the vicinity of the Town or in the adjacent Thickets'. Proof that Khoisan in these 'thickets' were the culprits was adduced from the fact that the men were 'invariably absent' when the field cornet called at

³² Rubidge, 13/8/1829, in SACA, 21/10/1829; 'Labourer in the Vineyard', SACA, 28/3/1829. In 1834, James Read Jr acknowledged some excesses back in 1829 - 'the result of an overstock of labour in the Market from the Hottentots having ... gone to the villages where they expected to be better remunerated', CA, A 50(4), Report of a Meeting ... 5/8/1834.

³³ CA, CO 2721, No. 39, J. Marais-Bell, 8/3/1830, enclosing Constable Jesse Walker-Marais, 20/2/1830, pp. 229-32.

³⁴ CA, 1/AY 9/6, No. 11, Civil Commissioner-Bell, 28/1/1830, pp. 295-96; CO 2721, No. 53, Moodie-Bell, 19/3/1830, pp. 315-19; 1/AY 8/19, No. 13, Bell-Acting Civil Commissioner, 12/2/1830, pp. 21-22.

their 'abodes' after dark. Civil commissioner Van der Riet consulted Stockenstrom 'whether Hottentots (which I presume to be the description of people alluded to ...)' were subject to existing regulations concerning the control of 'vagabonds' and proposed a mounted burgher patrol or, alternatively, the billeting of regular troops. On the one hand, burghers complained that their property was inadequately protected; on the other, they resisted serving when called out. The government disapproved both a 'permanent' patrol and employing soldiers as police ('particularly where the colonists refuse to assist in protecting themselves') but permitted action in terms of the 1805 Ordinance for the Country Districts to clear 'the vicinity of the Town from those bands described'.³⁵ As the problems attached to measures which the colonists and district officials requested came to light, a movement grew in favour of elected municipal authorities, empowered to carry out (white) townsmen's wishes with respect to 'local affairs'.³⁶

If the prospect of setting up as town-dwellers remained unfavourable for the Khoisan, some did perceive a chance of maximising their participation in the marketplace. In 1829, firewood merchants from 'the Hottentot nation' at Bethelsdorp petitioned for exemption from paying the toll to 'the keeper of the turnpike gate' at Port Elizabeth. A proclamation of 1824 sanctioned the gate, to defray the cost of road repairs. Every wagon and cart - loaded or empty, civil or military - paid four

³⁵ CA, 1/UIT 15/54, Resident Magistrate-Civil Commissioner, 19/12/1829; 1/UIT 15/13, Civil Commissioner-Resident Magistrate, 21/12/1829, pp. 376-77, & Civil Commissioner-Stockenstrom, 30/12/1829, pp. 385-86; LG 11, No. 1, Stockenstrom-Civil Commissioner, 6/1/1830, pp. 292-93 & No. 20, Stockenstrom-Bell, 10/2/1830, p. 324; 1/UIT 10/15, Bell-Civil Commissioner, 15/1/30. The fact that relevant articles of the ordinance for the country districts of 1805 were said to be enforceable seems to show that Justice Burton's opinion prevailed once the aim of enacting a separate vagrancy law was put aside, see judges' opinions under 'Exercising the freedom to move about', below.

³⁶ See SACA, 'A Citizen', Graham's Town, 11/7/1829, for a request for local control of towns.

skillings to pass (but only once in 24 hours). 'Toll farmers', assessing what the gate would net, tendered to remit a certain sum above the income needed as a living for themselves. Few got it right, or carried on a second year.³⁷

Bannister (who had a hand in this memorial too) argued that the existing tariff was unjust in failing to distinguish between light and heavy loads: A load of firewood carted by the Khoisan earned a mere Rds 3-4 1/2 while the farmers' heavy loads earned many times as much. The latter could afford and ought, in terms of wear-and-tear on roads, to render higher tolls. The Khoisan, he pointed out, were often paid in kind and not in cash, which was required. In December 1829, the contract went to a tenderer who was prepared 'to try the experiment of exempting the Bethelsdorp waggons from Toll'. Echoing its rejection of group claims in the case of land, the government warned that the exemption (during 1830) could not become an 'exclusive privilege'.³⁸

The Khoisan's appeal had expressed a concern of hard-pressed fuel merchants, encouraged by Bannister who thought that tolls were levied on a different basis elsewhere in the colony. This, on its face, was a policy issue to be resolved with reference to the facts and figures of the case. In the event, an exemption was

³⁷ CA, CO 3941, No. 49, 16/3/1829, p. 408; CO 5825, Proclamations and Government Advertisements, 1824. In 1827 the tollkeeper requested release from his obligation, alleging that 'farmers avoid the turnpike charges by passing into Port Elizabeth by by-ways'; the landdrost disagreed, suggesting that fewer wagons were entering the town than in the recent past, 1/UIT 15/127, No. 84, Cuyler-Secretary to Government, 5/9/1827. For the terms offered by successive toll farmers see: 1/UIT 15/127, 24/11/1827; CO 2703, No. 253, 7/11/1828.

³⁸ CA, CO 3941, No. 79, 29/10/1829; 1/UIT 10/14, 24/12/1829, p. 312; 1/UIT 5/2, 7/3/1831. Toll farmers continued to complain that farmers entered towns by covert routes, avoiding the gates, and it was argued that toll gates were more trouble than they were worth, see: 1/AY 8/79, Smit-Civil Commissioner, 21/8/1828, p. 411; CO 2712, No. 93, 24/4/1829, p. 372; 1/AY 9/6, No. 7, Civil Commissioner-Secretary to Government, 22/1/1830, p. 294; CO 2721, No. 55, Moodie-Bell, 26/3/1830, pp. 322-25.

allowed solely for the wagoners of Bethelsdorp in the guise of an ad hoc gesture towards a needy underclass. But hardly had the tender been awarded when the government gave out that it had been 'His Excellency's intention to exempt all wagons from paying toll when carrying Fuel into Port Elizabeth and not to grant any such privilege to the people of Bethelsdorp exclusively'. The tenderer declined the chance afforded to opt out (and suffered for this choice). The original permission clearly referred to Bethelsdorp alone; thus in rectifying its mistake the government effectively reneged. However, the exemption with respect to all the wagons which carried fuel to Port Elizabeth was renewed.³⁹

The editor of the Commercial Advertiser contextualised the townward drift of the Khoisan, using the language of enlightened economic thought. The hue and cry concerning vagrancy, he argued, overlooked a workseeker's natural movement towards 'those marts where labor is most in demand, and where he can vary his task till he finds the one most suited to his disposition and his abilities; nor can he be much blamed for preferring Day-labor, by which he can earn 9d a-day and his victuals, to service under Contract' where the pay was less. 'Disorders will and must arise from a sudden influx of strangers of the lower classes, who have no home, and are unable to procure separate sheds for themselves and families', he wrote. It was no surprise that 'the chief outcry against Vagrancy comes from the villages on the Eastern Frontier' - but, Fairbairn pointed out, laws did exist for distinguishing 'the deserving from the turbulent'.⁴⁰ Promotion of this line of thought by the Advertiser might be presumed to have been crucially influential. In fact, the paper's circulation - numbered in hundreds overall - included a mere handful of

³⁹ CA, 1/UIT 10/15, Bell-Civil Commissioner, 14/1/1830; 1/UIT 10/17, Bell-Civil Commissioner, 13/1/1832.

⁴⁰ SACA, Editorial, 4/4/1829. Kirsten McKenzie points how SACA distinguished the 'deserving' from the 'undeserving' poor, 'The South African Commercial Advertiser and the making of middle class identity in early nineteenth-century Cape Town', MA Dissertation, University of Cape Town, 1993, p. 160.

subscribers in the eastern Cape where those opposed to equal freedoms for persons of colour took little account of the cool rationalities which Fairbairn voiced.

Independent communities: 'The Hottentot has been a Wanderer because he never had a Home'⁴¹

In his study of British land policy, Duly remarks more than once on the absence of concern for the land needs of those not white: 'In order to have land within the colony, the non-European had to be a squatter or a member of a mission station'.⁴² To populate the Kat River buffer zone in 1829, commissioner-general Stockenstrom approached persons of this sort: 'I decoyed them from those retreats where many of them were certainly not very comfortable, but where they were, at least, safe, and legally their own masters,' he wrote.⁴³ In May 1829, he had played a central part in the expulsion of Magoma and his people from the Kat River; later that month he called at missions to explain the scheme whereby 'Hottentots' could acquire land in the so-called ceded ('neutral') territory 'on the same terms as other lands are possessed by the Colonists'. The settlement was conceived as a defensive 'breastwork' to protect the frontier. Stockenstrom's initiative obliged the elect to choose between land access in a

⁴¹ SACA, Editorial, 27/6/1829. In welcoming the settlement, Fairbairn remarked that those without means or property 'must continue as laborers among the colonists, for nobody imagines it to be the intention of Government to bestow lands upon the Hottentots as a Nation'.

⁴² L.C. Duly, British Land Policy at the Cape, 1795-1844, Durham: Duke University Press, 1968, pp. xviii, 46-47, 80, 186-87.

⁴³ Hutton ed., Autobiography, II, p. 358. Stockenstrom's wording is ambiguous: Khoisan could only have been 'legally their own masters' away from farms or mission stations, but within the colony, in the months between Ordinance 50 and his recruitment drive for the Kat River Settlement in 1829. That they did forsake their 'retreats' is documented by John Ayliff who reported several such parties, one of which 'had travelled the distance of 18 days' journey, from near the Great Orange River', Peter Hinchliff ed., The Journal of John Ayliff, I: 1821-1830, Cape Town: A.A. Balkema, 1971, pp. 95-96.

region purged of Xhosa, whom they must prevent from filtering back, and a less dangerous but landless status quo.

This sketch of what took place omits the elements of happenstance which shaped the outcome. The force of Stockenstrom's address was such that each expression of his thought carried conviction but, in this case, we find some seemingly spontaneous and inconsistent acts. In November 1828 he advised that 'the total expulsion' of Xhosa from the 'ceded territory', and its occupation by 'His Majesty's subjects', had become 'absolutely indispensable'. As 'subjects' it must be supposed that the Khoisan would have qualified; nevertheless, it appears he had not linked the project to their land needs at this point.⁴⁴ When, however, he opposed the governor's ideas for the settlement of Khoisan near the towns (see above), he stressed his dedication to their welfare and went on to state: 'In [the ceded territory] I should propose settling as many Hottentots (indiscriminately together with other Colonists) as can be found with sufficient character, recommendation, and property, or assistance of others, to be set up as graziers or agriculturists.'⁴⁵ By April 1829, when he requested information about Bethelsdorp, Stockenstrom was clearly close to some decisions on their behalf.⁴⁶

It has been represented that the principle of intermingling the Khoisan and the 'other Colonists' was overridden by the colonial office: '... Stockenstrom ... wanted to intersperse the two races and give them equal quantities of land. But his superiors insisted on placing the coloureds in the most exposed military

⁴⁴ Hutton ed., Autobiography, I, Stockenstrom-Bell, 22/11/1828, p. 302. For a brief discussion of the ceded territory see Peires, 'The British and the Cape', pp. 482-85.

⁴⁵ Hutton ed., Autobiography, II, Stockenstrom-Bell, 13/12/1828, p. 351. In this despatch he advances several ideas concerning the Khoisan which I have alluded to elsewhere.

⁴⁶ CA, LG 11, No. 70, Stockenstrom-Read, 20/4/1829, p. 140; LG 5, Read-Stockenstrom, 23/4/1829, pp. 119-22.

positions and giving them smaller land-grants than the whites'.⁴⁷ In fact, the governor left this to Stockenstrom's discretion and, after he opted for segregation, expressed a lingering hope that mingling might yet take place: 'Whether they are to be kept apart or mixed with the farmers, you will decide', Bell wrote at first and, after the event, gave out that the governor 'hopes you may be able to find some farmers with whom the Hottentots might be intermixed without risque [*sic*] of oppression or injury to the latter'.⁴⁸ Looking back, Read asserted that the Khoisan themselves 'begged and prayed to be left alone for a few years, and Captain Stockenstrom entered into their feeling'.⁴⁹ Corroboration of such sentiments exists in remarks by W. R. Thomson, a Glasgow Society missionary and government agent in 'Caffraria' (see below), but whether they swayed Stockenstrom is a moot point. His version was that neither English nor Dutch would accept the small grants with which the Khoisan were content.⁵⁰

After Magoma was expelled, Stockenstrom moved fast. Farmers 'crowding into the Ceded Territory' were likely to establish claims which government could not control. This he was ordered to prevent.⁵¹ The government had seen in Stockenstrom's plan an answer to the claims particularly of ex-Cape Corpsmen to land - moreover, in an ideal place to maximise their contribution to

⁴⁷ Tony Kirk, 'Progress and Decline in the Kat River Settlement, 1829-1854', *JAH*, 14(3), 1973, p. 412. This version follows Stockenstrom's recollections: 'This separation of white and Hottentot population was not part of my original plan, but Sir L. Cole thought that the best mode of giving the latter class a fair trial would be to leave them to themselves', Hutton ed., *Autobiography*, II, p. 359.

⁴⁸ CA, CO 4898, Bell-Stockenstrom, 8/5/1829, 'Confidential', p. 480; CO 4899, Bell-Stockenstrom, 5/6/1829, p. 23.

⁴⁹ *BPP*, No. 538 (1836), Read Sr, 29/6/1836, p. 599.

⁵⁰ *BPP*, No. 538 (1836), Stockenstrom, 4/3/1836, p. 248.

⁵¹ CA, CO 4898, Bell-Stockenstrom, 8/5/1829, p. 478; LG 11, No. 85, Stockenstrom-Bell, 19/5/1829, pp. 186-89.



Provisional Regulations for the Guidance of the Hottentots located on the Cat River, in addition to, and amending those of the 19th May and 2nd July last:

1st

The locations having begun to be crowded, and the conduct of the Caffers at present admitting of the Parties being more scattered and less strong, it is hereby ordered that a Party consisting of not less than Ten able bodied men capable of bearing arms and doing Patrol and Commando duties, and being in possession of fire arms shall be deemed strong enough to form a location. -

2nd

Any respectable Hottentot capable of mustering the above number of such men to reside with him shall be allowed to select a Location which being approved of by the Commissioner General, Civil Commissioner of the District, or other Person duly qualified together with the Individuals named as forming his Party, he shall be allowed to occupy the same and deemed the Head of that Party -

3rd

No Person to be admitted to any Party without being approved of as above stated and registered ...

CAPE ARCHIVES, 1/AY 8/81

defence. Simultaneously, it faced the (white) farmers' land invasion and certain wrath if they should see the Khoisan favoured - as they would deem it - at their expense. Two letters (one of them confidential) of 8 May reveal how Cole assessed the difficulties of the situation, and warned Stockenstrom not to attract 'publicity to the intentions of Government'.⁵²

With much at stake, Stockenstrom made haste to Theopolis from where he wrote the governor:

considering the subject of the Location of the Hottentots ... of paramount importance I forthwith decided on proceeding to those Places where it was likely I should meet the greatest number of those answering the description laid down ... Their permanent grants will of course ultimately be indiscriminately mixed up with those of other classes of Colonists, but it is not my intention to locate them at the same stations with the Farmers for the present, as such an assemblage would lead to jealousies and disputes in the present state of feelings, in which the Hottentots (as the weakest party) and their flocks would be sure to be the sufferers.⁵³

Did Stockenstrom predict the several 'classes' would 'of course' be 'mixed' out of conviction or a wish to mollify the government? Whatever the case, the governor let it pass with a compliant hope for future mingling 'without risque'. Of note with respect to subsequent disputes as to the 'suitability' of settlers - those from missions versus those from farms - is Stockenstrom's opinion at this point that 'the greatest number' of those eligible resided at the stations of the (mainly) LMS.⁵⁴

This 'group' approach, in which the governor acquiesced, was clearly of a different order from the one envisaged by the Bethelsdrop petitioners. Where they cited history and looked for restitution in a stable region, the governor cited individual

⁵² CA, CO 4898, Bell-Stockenstrom, 8/5/1829 (two letters of this date), pp. 478-80.

⁵³ CA, LG 11, No. 91, Stockenstrom-Bell, 28/5/1829, pp. 205-07.

⁵⁴ After Theopolis which he visited on 28/6, Stockenstrom went straight to Bethelsdorp and then Enon.

rights and dismissed the claims of groups. With the Kat River scheme it was possible at once to gain the moral high ground with regard to Khoisan rights and deal swiftly with a crisis of defence by making it a quid pro quo that the elect should form a human shield. That this involved political risk vis-a-vis land-hungry farmers, already moving in, is evident in the concealment urged on Stockenstrom. But Philipps expressed the view of the more settled colonists regarding the bargain struck: 'To rescue this part of the colony for the future, as well as with the laudable view of giving land to some of the deserving Hottentots'.⁵⁵ The Kat River Settlement did not represent the triumph of one vision over another; rather, a scheme vaguely assimilationist to start was not seriously defended but relentlessly reshaped by a sequence of pressures and events.

The execution of Stockenstrom's plans went more slowly than he wished. Barker took it on himself to revise his list of approved applicants at Theopolis, arguing that as it 'makes us personally responsible for the conduct of the persons recommended' the missionaries should exercise this right.⁵⁶ Nevertheless, the first parties had left by 8 July. Bystanders wrote 'colourful accounts: For days, it was said, 'the roads were crowded with men, women, and children, in wagons, on pack bullocks, and on foot'.⁵⁷ Later parties from Theopolis and Bethelsdorp were held up by heavy rains. Advising Stockenstrom of this and other sources of delay - such as time needed to repay 'little debts' before they left - Read mentioned that the missions would be altered by the exodus. Stockenstrom appeared to doubt the

⁵⁵ Keppel-Jones ed., Philipps, p. 356.

⁵⁶ CA, LG 11, No. 94, Stockenstrom-Barker, 2/6/1829, pp. 211-12; LG 5, Barker-Stockenstrom, 6/6/1829, p. 95.

⁵⁷ This writer warned: 'As the desire of novelty chiefly actuates this versatile tribe, it behoves those who have the superintendence of them still to watch and guide them', Emigration of Hottentots, 27/6/1829, SACA. The claim that Theopolis was almost deserted (15/7/1829) was, however, refuted, Editorial and Correspondence, 15/8/1829, SACA.

explanations which Read gave, saying he would find out 'the true cause of their delay' when he returned to Uitenhage.⁵⁸ His descent on the missions and persistence in forcing the pace were likened by Philip, after he returned from England, to the way in which 'recruits were beat up' for the Khoisan regiment. He came to feel that missionaries, by cooperating, were 'duped'.⁵⁹ The fact that the settlement's initial 'success' promoted denigration of those Khoisan left behind, and of the LMS, was a factor in the 'party spirit' which was so malignant later on.

A few sentences by Tony Kirk detail arrangements for settling the emigrants on the Kat River lands:

The Cape authorities founded the Kat River Settlement in 1829 as a military barrier between white farmers and the Xhosa chiefdoms on the eastern Cape frontier. Lying along the headwaters of the Kat River, it comprised 640 allotments capable of irrigation, with grazing commons attached. The average size of each allotment (known by the Dutch term *erf*) was slightly over six acres. Commonage varied from two to five hundred acres. The Settlement's boundaries also included large tracts of land unsuitable for either grazing or cultivation. Occupancy was reserved exclusively for coloured people.⁶⁰

The first locations were laid out along the '12 or 13 branches' of the Kat River, with the result that the initial settled area was some thirty miles long but two or so miles wide.⁶¹

⁵⁸ CA, LG 5, Edwards-Stockenstrom, 12/6/1829, p. 99; Read-Stockenstrom, 16/6/1829, pp. 130-33; LG 11, No. 100, Stockenstrom-Bell, 1/7/1829, p. 232. Conceivably Read's chance remark triggered the commissioner-general's diatribe about the prospects for privatising mission lands (see Chap. 9).

⁵⁹ CWMA, Philip-Hankey, 18/12/1830, Box 12, Folder 1D.

⁶⁰ Tony Kirk, 'The Cape economy and the expropriation of the Kat River Settlement, 1846-53', in Marks and Atmore eds., *Economy and Society*, p. 227. Kirk speaks of 'coloured people' - to be construed as 'Hottentots' and Bastards at this point.

⁶¹ CWMA, Box 12, Folder 4C, Read-Campbell, n.d. (c. August 1831).

As seen, Stockenstrom urged the emigrants to move at once, to fill the region ahead of Boers and keep the Xhosa out. The exodus of around 250 families, and some 2 000 cattle, 12 000 sheep, and 500 horses had got underway in June. Of these, a hundred men - with wives and children, some 400 individuals in all - and '18 ploughs, 20 wagons and 900 head of cattle' were from Theopolis alone. By 1 July the first arrivals - mission Khoisan led by Cobus Boezak and Bastards under Christian Groepe - were in place.⁶² Six families, all but one possessing stock, left Graham's Town after the commissioner-general asked Campbell to direct 'fit characters' to the settlement.⁶³ Stockenstrom's familiarity with the colony, and with the whereabouts of the 'retreats' of Khoisan having property, enabled him to intercept parties which might otherwise have joined the Griqua (which he did not want) and divert them to Kat River.⁶⁴ In line with the project's raison d'etre, he requested firearms for those without them since they were 'considered in some measure on Commando duty, or subject to be so employed'.⁶⁵

Besides the danger and the rush, real hardship faced the new arrivals on an undeveloped site. One reason for Stockenstrom's anxiety to complete his task, as he confessed, was the

⁶² CA, LG 11, No. 100, Stockenstrom-Bell, 1/7/1829, p. 230 & No. 102, Stockenstrom-Commandant of Caffraria, 2/7/1829, p. 239; ZL 1/3/9, Box 11, Folder 3C, Barker-Mrs. Thomas, 4/6/1829; ZL 1/3/10, Box 12, Folder 3A, Account of the origins and progress of the Kat River Settlement, c. 1830 & Folder 4C, Aug. 1831?, Read-?.; Currie, 'Theopolis Mission', I, p. 211, citing the Annual Report, 1830.

⁶³ CA, LG 11, No. 91, Stockenstrom-Bell, 28/5/1829, p. 205; LG 4, Campbell-Stockenstrom, 23/7/1829, p. 6.

⁶⁴ See e.g. CA, 1/GR 9/5, Stockenstrom-Civil Commissioner, 2/6/1829; 1/GR 16/46, Civil Commissioner-Stockenstrom, 11/6/1829. Stockenstrom asked the governor whether persons 'from more remote parts of the Colony' or 'other classes' should be invited to Kat River, LG 11, No. 100, Stockenstrom-Bell, 1/7/1829, p. 233.

⁶⁵ CA, CO 367, Stockenstrom-Secretary to Government, 30/5/1829.

`inclemency of the weather' which imperilled his health.⁶⁶ The Wesleyan, John Ayliff, wrote sympathetically: `[T]heir sufferings will be great in ... the depth of a cold & severe winter and with little or no provisions to subsist on till the next season'.⁶⁷ But, Barker declared, `the difficulties to a Hottentot are nothing when compared to those of a European'. At first he was unconvinced that the promises which lured them would be honoured but the Khoisan's eager response persuaded him that government would not `draw back' and risk `the deepest disgrace'.⁶⁸

Almost at once the expected crisis over the Xhosa expulsion was thought to have begun. Ordinance 49 was suspended and suspect persons from across the borders were expelled.⁶⁹ The governor proposed `arming a body of those Hottentots who served formerly in the Cape Corps, many of whom are stated to lead a migratory life, differing but little from vagabondism', and quartering their families in the barracks at Graham's Town.⁷⁰ The Kat River settlers were the most vulnerable: Colonel Somerset went so far as to state that `the burgher Hottentots, and Bastards, who have lately been located on the Kat River, are to be sacrificed, Man,

⁶⁶ CA, LG 11, No. 99, Stockenstrom-Bell, 24/6/1829, p. 228 & No. 116, Stockenstrom-Read, 11/7/1829, p. 263. Again, in 1831, he declined to linger at the Kat River for this reason, CO 390, Stockenstrom-Secretary to Government, 12/7/1831, p. 37.

⁶⁷ Hinchliff ed., The Journal of John Ayliff, p. 86. Later, a party returning to Klipplaat (Shiloh) from Boezak's funeral was caught in the mountains by icy rain and mist and Moses Bierman froze to death, CWMA, Box 12, Folder 4C, Read-Campbell, n.d. (c. August 1831 [1832?]); CA, LG 6, Read-Stockenstrom, 5/9/1832, p. 113; Hutton ed., Autobiography, II, pp. 405-06.

⁶⁸ CA, ZL 1/3/9, Barker-Mrs. Thomas, 4/6/1829.

⁶⁹ CA, CCP 8/1/24, see proclamation of 25/8/1829 suspending Ordinance 49, published 28/8/1829; 1/UIT 15/54, 3/9/1829: NB deportation of `foreigners' in terms of the proclamation.

⁷⁰ CA, LG 1, Bell-Stockenstrom, 25/8/1829, pp. 74-75. Bell tempered these remarks in a letter to the civil commissioner at Uitenhage - in which he attributed the suggestion regarding ex-Corpsmen to Moodie, 1/AY 8/18, Bell-van der Riet, 25/8/1829.

Woman and Child'.⁷¹ In the event, presumptions of the Xhosa's 'horrible intentions' came to nought.⁷²

The first arrivals had scarcely settled down when Thomson called on them and was moved 'to correct mistaken views I had entertained, of the wealth and capabilities of the Hottentot people'. The richest, he observed,

have been living as small Farmers, some on unappropriated grounds, and others by sufferance upon portions of Farmers places, giving a partial service for the privilege of pasturing their cattle. The less wealthy class consists of those who have had more intercourse with the villages, or been living upon the Institutions. The cause of their comparative poverty I apprehend is their being more dependent upon their own resources for food and clothing, and indulging more luxuriously, in the kind and quality of those articles. Yet this class appear to me to possess more mechanical skill, and a greater spirit of enterprise than the former.⁷³

These observations will be mentioned again: Thomson became involved with the 'small Farmers' (who were mainly Bastards) later on, and began to assign the positive attributes which he had noticed almost exclusively to them.

In December 1829, Stockenstrom prepared a 'Return of the Hottentots provisionally settled in the Ceded Territory' which he submitted with a set of regulations for their governance. His careful record shows 243 men, above half possessing guns and others armed by government. Wives, children, wagons, ploughs and livestock were enumerated (there appears to have been no place for adult women on their own). Andries Stoffel headed the largest party with twenty-eight men, all but one of whom were armed. Small parties, like that of Frans van Zint (Vincent), had to

⁷¹ CA, 1/AY 8/80, Somerset-Campbell, 18/8/1829, p. 631.

⁷² CA, 1/UIT 15/13, Civil Commissioner-Bell, 21-24/8/1829, p. 235; 1/AY 8/80, Mariller-Godlonton, 23/9/1829, p. 817. Missionaries in Xhosaland were unanimous in refuting 'hostile intentions' there, CA, CO 362, No. 60, Thomson-Cole, 27/8/29 & enclosures.

⁷³ CA, CO 362, No. 61, Thomson-Cole, 28/9/1829, pp. 201-03.

remain near stronger groups until they were 'complete' with ten armed men.⁷⁴ Two only of each set of ten could absent themselves at any time and party heads were responsible for the conduct of their followers. Three men were named to office: Captain Cobus Boezak to command the force until the field commandant arrived, Christian Groepe as provisional field cornet, and Booy Windvogel as overseer of the roads. Xhosa were banned, and no one was to cross the border unless on duty or with permission.⁷⁵

Despite Cole's reiterated point, that the settlement was an 'experiment' - and hence, by implication, something to be dropped before much notice had been taken of it - surprise must be felt that he informed the home government about the scheme only when he received the commissioner-general's regulations and report, six months after the occupation had taken place: On 2 January 1830 he wrote of being 'induced' to plant 'Hottentots' where Maqoma was expelled, as a 'barrier' and 'an experiment'. Very little was said about it after that. In October, after the scheme had been approved, he mentioned that it was thriving and cited Supreme Court Justice Menzies' praise. Though Cole was highly proprietorial (see Chapter 11), he appears not to have seen the project as of interest to his superiors at this early stage.⁷⁶

In framing the scheme, Stockenstrom displayed an understanding that some, at least, of the Khoisan had no incurable disposition to roam: Title would bind them to a patch of land and ownership would spur them to defend it - and, providentially, the colony

⁷⁴ CA, 1/AY 8/81, Stockenstrom-Civil Commissioner, 11/1/1830, enclosing the 'Return' & 'Regulations', 22/12/1829.

⁷⁵ CA, CO 373, No. 56, Provisional Regulations, 22/12/1829, pp. 468-72.

⁷⁶ CA, GH 23/9, Cole-Murray, 2/1/1830, p. 180 & Cole-Hay, 25/10/1830, p. 350. This reference sprang entirely from the fact that the appointment of a clergyman to the settlement (Chap. 9) entailed a salary, which needed the colonial office's sanction. Only in January 1831 did he acknowledge the home government's approval, and this in a letter concerning the same appointment, GH 23/10, Cole-Murray, 22/1/1831, p. 402.

at the same time. Within the colony, where these conditions were not attained, the stereotype of a vagrant class persisted and fuelled the clamour for measures to erode the new-won rights. Inevitably, Kat River was a testing ground for 'Hottentots' enjoying burgher rights, and was closely watched by friend and foe. Early proofs of their acculturation and industry inspired Philip to remark that 'Not a single vestige of their former condition was to be seen.'⁷⁷

The question which hovered over Stockenstrom's proposal from the first, about the merits of mingling black and white, would be debated as the century advanced. Thomson was persuaded by his Kat River visit that the time was not yet ripe: 'I am sorry to find, that the prejudices which I feared really do exist on the part of the Hottentots'. As for the Dutch he could not speak, 'though I have reason to think, it is equally unfavourable to any community of interest.' If, as he thought, 'the mutual prejudices are not so strong in respect of the English population', the object might be attained 'by giving preference to applications from British settlers'. Within the settlement itself, Thomson believed a case existed for mingling 'the different classes - the rich with the poor - the mechanic with the farmer ... but this will not probably be easily accomplished, by reason of family or social compacts existing among them'.⁷⁸

Here is a glimpse of a society divided in terms of race and class where worthy objects (in the view of some) must be postponed, waiting upon a vaguely postulated change of heart. Thomson's impressions raise tantalising questions about the process of acculturation then in progress. For example: Were 'family or social compacts' a reality? If so did they reflect traditional

⁷⁷ Evangelical Magazine, Oct. 1830, Philip-Reed, 5/4/1830, p. 453. At Bethelsdorp's school, Philip was pleased to note 'not one sheepskin caross in the place', CA, A 2564, Rhodes House Library, University of Oxford, Mss Afr.s.219A, f.178, Transcript of Philip Papers (notes and copies by H.C. Botha).

⁷⁸ CA, CO 362, No. 61, Thomson-Cole, 28/9/1829, pp. 204-06.

concepts of kinship and hierarchy? Bearing in mind that he was new to the colony, what notions concerning social organisation shaped his report? Thomson was soon to play a part in the best-documented schism in the settlement - one which was ethnically based and ranged the 'Bastards' of his congregation against the Khoisan (augmented by Gonaqua) clustered around the Reads.⁷⁹

The recent spate of interest in the early to mid-nineteenth century history of southern Africa has produced a consensus to the effect that 'liberalism' has been taken too much at face value with respect to presumed benefits for the oppressed:

Historians have ... danced around the period, chanting praise for the Enlightenment and exalting the arrival of liberalism, forgetting how the former was enormously paradoxical and the latter profoundly Janus-faced.⁸⁰

'Above all, perhaps [Legassick writes], the contradictions of post-Enlightenment policies were physically expressed in the creation of the Kat River settlement by Stockenström'. The dual motive for its establishment has been acknowledged often enough but, Legassick suggests, without pursuing to a conclusion whether that contradiction reflects the limits of discourse about 'the Enlightenment inheritance'. Citing Crais, he notes that Ordinance 50 and the subsequent enactment of colour-blind legislation - for long depicted as a liberal triumph - was in fact "a great renaming of social relations" which left racial domination intact. In the case of the Kat River, the forced removal of Magoma was a monumentally illiberal act which went some way to fore-ordain the breakdown of the settlement.⁸¹

⁷⁹ See, e.g., le Cordeur and Saunders eds, The Kitchingman Papers, esp. pp. 131 & 145, n. 59.

⁸⁰ C.C. Crais, 'Race, the State, and the Silence of History in the Making of Modern South Africa: Preliminary Departures', Africa Seminar, Centre for African Studies, University of Cape Town, July 1992. Elbourne and Bank are, with Crais, important contributors to the consensus.

⁸¹ Martin Legassick, 'The State, Racism and the Rise of Capitalism in the Nineteenth-Century Cape Colony', SAHJ, 28, May 1993, pp. 337-38, 343-44. See e.g. Kay on what he perceived as the immorality of robbing one set of aborigines to benefit

The military service route

In the course of his tour of the eastern Cape in 1829, Bannister saw that the Cape Regiment no longer had a chaplain or any schools. A chaplain at Fort Beaufort would, he pointed out, be placed so as to superintend the education of the children and religious instruction of the soldiers and their wives. If funding did not come from 'home', it could be raised 'from the canteens, and eastern pothouses (increased so largely this year)'. As seen, Bannister took up the case of Hendrik Klaas. He also objected to withdrawal of allowances available to wives who, by long custom in the regiment, lived with their husbands at the various posts.⁸²

The poverty of the Khoisan, together with perceptions of the nature of their family ties, had been permitted to subvert the clearcut regulations: In British line regiments a maximum of six in every hundred men was counted as married (regardless of actual numbers) and their wives and children supplied with rations. Most Khoisan soldiers were married and a custom of provisioning their families had grown up. When Governor Cole reported this, he was advised to discharge excess married men at once or, should 'local conditions' make this unwise, to stop enlisting them and publicise the fact that the 'correct proportion' was to be restored.⁸³ It was to this breach of established practice that Bannister referred. Apparently the governor chose the latter course - if he took action at all, which is not clear.

another, Travels and Researches, p. 416.

⁸² CA, CO 3941, No. 49, Bannister Papers, pp. 413-16. If his plans were adopted, Bannister saw the military posts as 'the beginnings of useful and thriving towns'.

⁸³ CA, GH 22/1, Treasury Chambers-Cole, 23/4/1829. As noted above (Chap. 4), the earlier attention to religious and literacy instruction for corporsman and their families had been allowed to lapse more or less coincidentally with the unit's latest scaling down in size.

The reference to possible risk in tampering with longstanding practice in the Corps has no known basis but a hint lies in the warning of one observer who anticipated that men who had been pressed ('forced to take service') in the past might be induced to leave. His reading of Ordinance 50 made him doubt that they could 'be detained if they ... demand their discharge'.⁸⁴ He doubted as well if, in future, any would voluntarily join. Reduced as it was in size, the regiment appears to have become less important as an alternative to farm labour prior to the 50th ordinance. Uncertainty continued as to who - the home or the Cape government - should (or could) bear the cost.⁸⁵ The unit was, however, maintained for several decades more.

Exercising the freedom to move about

A year after the Khoisan's 'emancipation' the civil commissioner of Albany and Somerset complained that, where livestock in lots of one or two was lost,

these losses are without question caused by the Hottentots, the whole of which people that are within the Two Districts, excepting those who have gone to the ceded territory, and the few who remain at the Schools may be considered as Vagrants, living in the Bush on the sheep and cattle of the Farmers.⁸⁶

Although reports concerning vagrancy and theft from other districts were somewhat less extravagant, the clamour for a vagrancy law was an early and - as not promptly addressed - enduring feature of Ordinance 50's aftermath.

What was the problem so complained about, and how had Ordinance 50 altered its control? 'Vagrancy' means nothing more than wandering, often without a fixed abode. Decriminalising vagrancy did not, of itself, injure society at large. As the beneficiaries

⁸⁴ CA, SO 3/20a, Major Rogers Private Book, Rogers-Bell, August 1892.

⁸⁵ CA, GH 23/9, I, Cole-Murray, 20/2/1830, pp. 303, 313.

⁸⁶ CA, 1/AY 9/6, No. 197, Civil Commissioner-Bell, 7/8/1829, pp. 259-60.

of Ordinance 50 and their sympathisers were to hold, vagrancy is an offence when it is coupled with theft, assault and other violations of the law respecting property or persons, but not before. To call a person who moved freely, for whatever reason, a vagrant, and to make vagrancy per se a crime, was to expose the Khoisan to their former disabilities - a fear which no appearance of 'colour blindness' could assuage since it was their emancipation which triggered the agitation for a vagrancy law.

Movement within (as well as beyond) the colony, by whomsoever, had always been constrained by law. Persons removing to another district needed a certificate, which could be refused if the reasons for removal were not approved. Field cornets were baffled as to what to do when strange Khoisan arrived in their wards without the necessary document.⁸⁷ In January 1830 the matter was still in limbo and the governor addressed it in these terms:

The disabilities under which the Hottentots laboured having been removed, I think they must be held to stand upon the same footing with all other colonists in regard to their liability to the Laws relating to removal from one District to another. As, however, it is probable that those laws were framed without reference to the state of the Hottentot population, it does not seem advisable at present to attempt to put into force against that description of them of which complaint is now made, the provisions of the Proclamation of the 24th Augt. 1810.⁸⁸

Normally, failure to comply entailed a heavy fine. Here we see acknowledgment that broad exceptions had to be allowed where a whole 'population', legally on 'the same footing', was in fact disabled still.

The crisis of 1834 concerning the vagrancy law enacted then (and disallowed by the British government) has been the focus of inquiry into attempts to reverse unpopular (among the colonists)

⁸⁷ CA, 1/UIT 15/14, No. 1, Civil Commissioner-Bell, 2/1/1830. For the dilemmas of field cornets, see e.g. Gouws of Zwartruggens, Chapter 4.

⁸⁸ CA, 1/UIT 10/15, Bell-Civil Commissioner, 15/1/1830; Harding, Ordinances, I, Proclamation of 24/8/1810, pp. 102-03.

provisions of Ordinance 50.⁸⁹ At that time, the impending slave emancipation by an act of the British Parliament gave a fresh urgency to efforts to curb the free movement of the 'coloured classes'. Here the focus is on the immediate aftermath of Ordinance 50. Article 2 removed 'certain restraints as to [the Khoisan and others'] residence, mode of life, and employment ... to which others of His Majesty's Subjects are not liable', and rendered them no longer subject to 'any hindrance, molestation, fine, imprisonment, or punishment of any kind whatsoever, under the pretence that such Person has been guilty of vagrancy or any other offence, unless after trial in due course of Law'.

As noted, Bourke had in mind an anti-vagrant measure at the time of ordinances 50 and 49. An official who perused the records on this issue was to say, 'on the very day General Bourke received the 50th ordinance from England, he gave notice to the council that it was now absolutely necessary to have a vagrant law'. When one did not materialise, public pressure mounted and the next governor, Cole, 'called upon the judges for their opinions'.⁹⁰ Thus, a few months after their 'emancipation', the Khoisan's liberties were in the balance as Supreme Court judges and district officials applied their minds to the issues which this inquiry raised.⁹¹

⁸⁹ For a recent example see Elbourne, 'Freedom at Issue'.

⁹⁰ BPP, No. 425 (1837), Aborigines (British Settlements), Minutes of Evidence, Lt.-Col. T.F. Wade, 21/4/1937, Q. 632, p. 95. Wade's reference to Bourke's receipt of the 50th ordinance from England is confusing: Possibly he refers to a (coincidental) House of Commons resolution of 15/7/1828 which signalled likely British approval of Ordinance 50. Bourke was succeeded by Cole on 9/9/1828, well before Britain ratified it (15/1/1829) with the important addition of a clause protecting it against amendment or repeal without the sanction of the home government.

⁹¹ Macmillan cites a letter by an unknown 'Frontiersman' in the Philip mss (since destroyed by fire) which asserted that 'no-one wishes the old system' - a claim close to Stockenstrom's that 'the community at large wishes [the Khoisan] well'; good feeling was, however, contingent on a 'well-digested Vagrant Act', CCQ, p. 222. For Stockenstrom see BPP, No. 538 (1836), p. 154.

A question put to the judges was: Did Article 2 of the 50th ordinance exempt 'Hottentots and other free Persons of colour' from existing laws pertaining to vagrancy? Three of the four - chief justice Wylde, with puisne judges Menzies and Kekewich - believed it did. Burton disagreed: Neither the Charter of Justice nor Ordinance 50, nor any other law of which he was aware, had 'altered the ordinance for the country districts' of 22 October 1805 or 'rendered any person less amenable to punishment for vagrancy than before the commencement of the last year'. He pointed also to the powers conferred on Justices of the Peace by Ordinance 32, namely, to 'apprehend, commit to Prison, or hold to Bail, all Vagrants, Rioters, Robbers, or other notorious offenders, found within their several Jurisdictions'.⁹² This inability of experts - judges - to agree that the existing legislation was sufficient, and enforceable in terms of Article 2, left the door open to the clamour for a sterner law.

As he had been outvoted, Burton prepared a draft 'Ordinance for the Pursuit and Apprehension of Offenders'.⁹³ This was in January 1829. At more or less the same time he requested details concerning numbers of 'Hottentots' in the various districts, how many were in service and how many exercising trades, the number of 'apprenticed' children, the monthly wages offered, and any increase in vagrancy (or 'excess') with indications of the period of that increase and the cause.⁹⁴ Within a month, Burton's draft ordinance was in the hands of district officials for comment.

Civil commissioner Van Ryneveld claimed that vagrancy had increased in Graaff-Reinet, though it was 'very difficult to say whether most of the excesses are committed by Bushmen or

⁹² BPP, No. 425, Appendix 10, pp. 174-83. It is not appropriate to detail here the judges' views but their responses are revealing both as to their legal acumen and their intention.

⁹³ BPP, No. 425, pp. 96-97, 181-82.

⁹⁴ See e.g. CA, 1/GR 10/9, Burton-Civil Commissioner, 6/2/1829; 1/GR 17/47, Clerk of the Peace-Burton, 6/2/1829.

Hottentots'. His opinion was based on figures supplied by the clerk of the peace concerning theft and vagrancy during six months before and after 17 July 1828. On both counts the number was said to have doubled after Ordinance 50. But whereas convicted thieves were 'in confinement', the alleged vagrants had been discharged.⁹⁵

Two deductions derived from this in the popular mind: 'Vagrants' were escaping unpunished, and more Khoisan were resorting to crime. Fairbairn had earlier set out his view concerning the first, saying that there

are laws in existence against Vagrancy ... and the punishment is ... sufficient for all just purposes: but to make Vagrancy a complete offence, it must be united with disorderly and mischievous conduct: ... being rather an aggravation than a crime in itself.⁹⁶

Doubtless he had in mind examples of pre-Ordinance 50 practice documented in the district records. To cite one, three men and a woman, contracted to farmers, were arrested as vagrants: Although no 'proofs ... obtained ... as to their having committed any crimes', the men were sentenced to 39 lashes each and the woman to fourteen days in solitary confinement on bread and water - because they had left their jobs.⁹⁷ Fairbairn attempted to dispel impressions of an 'increase in crime among the Hottentots': Formerly, he said, if they slaughtered a sheep or bullock the owner was satisfied to bind them to service for two or three years. Since this 'compromise' was no longer available, aggrieved farmers were sending thieves for prosecution instead. On the defensive for his opinions, he alternated calls on Englishmen to champion the liberties they cherished for themselves with declarations that a better class of servant was the object which he had in mind.⁹⁸

⁹⁵ CA, 1/GR 17/47, Clerk of the Peace-Burton, 6/2/1829.

⁹⁶ SACA, Editorial, 24/12/1828.

⁹⁷ CA, 1/GR 7/16, Dagregister, 6/5/1828.

⁹⁸ SACA, Editorial, 8/4/1829.

Where Van der Riet of Uitenhage seemed anxious not to amend the law at such an early stage, Van Ryneveld of Graaff-Reinet was less prepared to wait and see. He favoured a return to the old system whereby the field cornets were not obliged to leave their wards to swear on oath concerning crimes before offenders could be detained: As most offences were committed in the border wards, he was afraid that the security of the district would be at risk while they were absent. The instances where oaths by independent witnesses (not necessarily field cornets) might be required (Arts. 7, 20, 21) appear unlikely to have been the frequent source of danger which he feared.⁹⁹ On the other hand, responsibility for the safety of burgher families and the territorial integrity of a vast frontier district presented problems which Van Ryneveld perceived as difficult to reconcile with features of the new law. It is not a simple matter to compare reactions to Ordinance 50 in Graaff-Reinet and Beaufort with the response in Uitenhage, where colonists felt more secure. Officials, not surprisingly, indulged their personal perspectives - some trying to lead the public towards acceptance of a necessary (if unpopular) law, others aligning with popular reactions in open or more guarded ways.¹⁰⁰

The circulation of Burton's draft ordinance was construed as a sign that vagrancy legislation would soon be enacted. Thus when Van Ryneveld of Graaff-Reinet transmitted a memorial complaining of 'the conduct of the Hottentots', he supposed that a solution to the burghers' problems was on the way.¹⁰¹ Soon afterwards, however, the secretary to government confessed the governor's view that 'the difficulty attending the preparation of a vagrancy act that can be made really effective without trenching more upon

⁹⁹ CA, 1/GR 16/46, Civil Commissioner-Burton, 15/2/1829.

¹⁰⁰ The civil commissioner of Albany and Somerset was firmly rebuked for his attitude, see Chap. 12 and CA, 1/AY 8/19, No. 61, Bell-Civil Commissioner, 8/7/1830, p. 98.

¹⁰¹ CA, 1/GR 16/45, No. 32 (Private), Van Ryneveld-Bell, 26/2/1829.

the liberty of one class of people than another, has been greater than was at first expected'.¹⁰² And so the draft bill was abandoned. Whether the technical or the political problems weighed most, Cole had come to feel that the time for tackling the issue had not arrived. The crisis did not immediately subside but by mid-1830 the momentum for a vagrancy act was on hold.

Images of Khoisan and colonist

With their promotion to full citizenship, the Khoisan's image underwent a shift. Whereas to reject the principle of equal rights was crude, many critics appear to have felt that their exercise of full equality might, without recrimination, be postponed. Onkruydt, whose sense of justice and humanity has been mentioned, yet wrote of 'Hottentots, unable from natural propensity to manage their own affairs' (specifically, the black constables of Somerset could not, he thought, be trusted with the spending of their wage).¹⁰³ As noted above, a correspondent informed readers of the Commercial Advertiser¹⁰⁴ that 'There is no race of beings in the world that requires more attention and protection from a government than that of the Hottentot.' With no wish (as he insisted) to oppress them, or infringe on their liberties, 'Candid' hoped that the authorities would be guided by this (to him) self-evident fact. With greater sophistry, contributors took up the theme that Ordinance 50 was not 'conducive to their welfare'. 'X' wrote:

I shall not attempt to question the views of the framers of the 50th Ordinance but the effects produced have not only a tendency to demoralise the Hottentot, and to detach him from that society which would restrain his passions and elevate his mind, but they also cut short his existence, and must hasten his extinction ... however liberty may be appreciated by mankind in general, with him it means

¹⁰² CA, 1/GR 8/19, Bell-Civil Commissioner, 17/3/1829, referring to a memorial from Rhenosterberg in Graaff-Reinet requesting a vagrancy law, 1/GR 16/45, No. 32, Civil Commissioner-Colonial Secretary (Private), 26/2/1829.

¹⁰³ CA, CO 2712, No. 25, Onkruydt-Bell, 20/1/1829, p. 105.

¹⁰⁴ At this time the Commercial Advertiser provided a unique forum where members of the public could express their views.

nothing more than an unrestrained exercise of his favorite propensities, and consequently leads to more frequent instances of his mental depravity. The Hottentot, of all other characters, seems to have the least idea of himself as a rational being, - he appears insensible to emulation or personal consequence; and although he is faithful, honest and submissive, while he is sensible these duties can be exacted from him, yet when once this restriction is removed, he involuntarily conforms to the habits of the most dissolute and vicious of his kindred associates.

Most of the letters of this description came from Albany. The lesser number of opposing views - for example, that Ordinance 50, though faulty, was necessary for uplifting the Khoisan - appear to have come mainly from Cape Town-based correspondents.¹⁰⁵

Fairbairn devoted many editorials to refuting his readers' points concerning the 'depravity' of 'Hottentots' and the (foolish) philanthropy which championed them. Taken together they make a textbook of progressive principles of justice and economy of the time. In mid-1829, when his patience with the diatribes of certain colonists ran out, he wrote a history of dispossession and ongoing cruelty to 'Bushmen' on the frontier which launched a discussion of related but less well-worn themes. Naming the hallmarks of an orderly society which he approved (courts, prisons, garrisons, police, treadmills and so on) he said:

While, therefore, we are proud of our Institutions, and cherish with fear and reverence the ORDER which they preserve, we should not so far forget the pit from which we were dug, and into which we perceive a constant tendency to fall, as to pronounce sentence of death and extermination on those we have outstripped in the career of social improvement. We are to them as a body of well-disciplined soldiers to a disorderly rabble; as a whole infinitely superior; as individuals, if more, little more than equal. With their training we would be exactly as they are. Nay, change our circumstances merely, and one-half of us would rival them in every species of mischief to-morrow.¹⁰⁶

¹⁰⁵ SACA: 'Candid' (21/3/29), 'A Farmer' (8/4/1829), 'X' (19/5/1829), and others, e.g., 'Philanthropos' (of Somerset) and 'An Albany Farmer' protesting Ordinance 50; 'A Traveller' (4/4/1829), 'Emile' (6/5/1829) and a few others, in more qualified terms, defended it.

¹⁰⁶ SACA, Editorial, 26/8/1829. The topic was inspired by news of the murder by San of colonists in the Beaufort district.

We may refer to Bank with regard to the genealogy and fate of these ideas.¹⁰⁷

Fairbairn's references to 'Bushmen' at a time when 'Hottentots' were so much to the fore drew comment from readers who had been cogitating on relationships between the two. Were they, as 'An Observer' said, 'of the same genuine race', or were they 'distinct races' as 'An Inquirer' believed? This question, arising out of scientific curiosity to begin, was to acquire a weighty political importance in the hands of Donald Moodie later on.¹⁰⁸ Of greater relevance for the preoccupations of the eastern colonists in 1829 was the suggestion that Albany was worst afflicted by Ordinance 50 because 'the Hottentots in Albany, and especially about Graham's Town, are a different Race - essentially different - from those to be found in other Districts of the Colony'. Of this Fairbairn said: 'Even admitting that they are more vicious, the above facts [for example, the fifteen licenced canteens in the town], with some others we shall hereafter bring forward, will sufficiently account for it, without deriving them from a separate stock'.¹⁰⁹ We see here an example of the 'biological' explanation of racial difference which, as Bank explains, would shortly supersede the 'environmental' theory to which Fairbairn still subscribed.

Less evidence has been found concerning how the Khoisan represented the colonists. W. R. Thomson's remarks, that the Kat River settlers were prejudiced against any mixing of Dutch farmers with themselves (about the English, he was less clear), were noted above. An intriguing glimpse is afforded by four

¹⁰⁷ 'Liberals and their Enemies', esp. Chapters 2 & 8.

¹⁰⁸ SACA, 'An Inquirer', 16/9/1829, & 'An Observer', 10/10/1829; Donald Moodie, 'A Voice from the Kahlamba. Origin of the Bushmen', South African Annals, Pietermaritzburg: May & Davis, 1855.

¹⁰⁹ SACA, Editorial, 1/12/1829. The term 'vicious' was used in a sense closer to its derivation (vice, or immorality) than is the case now when it often means malignant or dangerous.

Bergenaars who crossed the Gariep to purchase guns and ammunition in Graham's Town. On the way back from this illegal transaction they were intercepted but insisted they could not point out the sellers as 'all these People dress so alike' (two Britons were afterwards identified). The notion of 'all alike' was more profound than the matter of dress. The Khoi Jantje, charged with others with stealing livestock, testified:

I am stopping with the prisoner Galant until I find my father, on the Journey I have always asked the "Boers" for victuals and have been refused and thinking they were all alike I went with Louis Tygervley and we took a ewe and a wether out of the kraal. I did it through hunger as my uncle has only a few goats and does not give me sufficient to eat.¹¹⁰

These representations are interesting for the fact that colonists, both Boer and Briton, are depicted as an indistinguishable mass on the basis of appearance and behaviour - but also (in the last example) for the hint that pre-colonial concepts of sharing, and of proper relations between haves and have-nots, were important still.

In sum

The first year, post-Ordinance 50, had shown that no swift transformation of the Khoisan's social status or economic prospects would eventuate. Their freedom to move about was pure 'vagrancy' to many colonists although, as seen, the clamour to limit it was set aside. The government was conscientious in reforming mindsets, reminding as required that all free persons, including 'Hottentots', were equal in the eyes of the law. Officials in the frontier districts (and, very likely, others also) appealed frequently to central government when faced with situations where former remedies were disallowed. When the

¹¹⁰ CA, 1/SSE 1/1A, Criminal Cases, 1827-1831, 12/3/1829; 1/GR 16/45, No. 62, Civil Commissioner-Colonial Secretary, 6/5/1829; 1/GR 16/46, Civil Commissioner-Clerk of the Peace, 24/6/1829; 1/GR 16/47, No. 67, Civil Commissioner-Colonial Secretary, 23/9/1830; 1/GR 17/48, Letters Received by the Clerk of the Peace, 1830, Clerk of the Peace Moodie, Albany, 1/5/1830; 1/GR 9/4, Stockenstrom-van Ryneveld, 24/6/1830.

magistrate of Beaufort sought advice the governor's office replied that, where Ordinance 50 was 'silent', the law appropriate to the free burghers applied.

It has been seen that Platje and Jacobs brought civil suits against abusive colonists who were not their employers. Ordinance 50 provided that where contracted Khoi sought justice in the criminal courts, they were entitled also to sue 'for the recovery of damages for any injury ... sustained' due to ill treatment (Art. 22). No instance was found in this first year. Khoisan did use the civil courts but their appearances were not clearly work related and still comparatively rare. The court found for Matroos Baartman who charged George Wood with detaining his gun, but against Andries Botha who accused Robert Dunn of detaining his bull. Two Khoi appeared as adversaries when Johannes Swart sued Klaas Carolus for non-payment of what he owed for a horse, saddle and bridle sold to him. Cobus Boezak was sued for a debt 'which he refuses to pay', though ordered to do so by the landdrost's court a full three years before.¹¹¹ Where plaintiff and defendant both were poor, the court could not be certain of recovering costs: The summons was delivered pro deo in the case of Swart.¹¹²

Petitions for land impress as authentic political expressions, despite submergence of the Khoisan 'voice' in missionary-written texts. Prior to Ordinance 50, Khoisan memorials requesting grants had been 'rare' - which governor Somerset attempted to explain as due to their repairing to mission institutions when and if they wanted land.¹¹³ Somerset's evasive explanation aside, it is

¹¹¹ CA, 1/AY 7/1/1/1, Civil Record Book, Case Nos. 368, 375, 388, 389, all in 1828.

¹¹² Recovering costs from indigents pressed heavily on magistrates, see: CO 2706, No. 63, Resident Magistrate, Beaufort-Bell, 20/6/1828 (his queries preceded Ordinance 50 but were answered with reference to this ordinance); CO 2703, No. 246, Resident Magistrate, Uitenhage-Bell, 1/11/1828, and the response drawing attention to Art. 24 of Ordinance 50.

¹¹³ Theal, RCC, 19, Somerset-Horton, 26/10/1824, Enclosure 4: Grants of Land to Hottentots and Bushmen ..., p. 75.

plain that the ordinance encouraged them to undertake appeals. But not only did the Khoisan lack effective clout; as Ross observes, the mission influence which they looked to for support was 'never great' and the central government 'repeatedly blocked' their applications for land.¹¹⁴

Khoisan initiatives alerted colonists to the threat to their own privileged access. A temporary arrangement could be suspect as the 'thin end of the wedge': Caught between the concessions to Bethelsdorp petitioners for grazing at Gorah and complaints about rondswerwende Khoisan in the Under Bushman's River ward, Van der Riet of Uitenhage requested a list of mission families 'occupying provisionally unappropriated Government Land there'. List in hand, field cornet Buchner would be enabled to identify offenders and bring them before the law.¹¹⁵ Clearly, non-mission Khoisan were disadvantaged in arrangements of this kind. Ultimately (as mentioned) the concession in favour of the mission people was contested and, in 1835, withdrawn.

Where farm labour was concerned, it is well to bear in mind Iannini's observation on the ethos of the times: 'To be a free laborer ... in the early nineteenth century meant only that a laborer was not a slave. "Free labor" without any restrictions on movement and landholding rights would have been unthinkable to early nineteenth century employers.'¹¹⁶ Ordinance 50 removed restrictions peculiar to the Khoisan but, as seen, the movement of burghers within the colony was controlled to a degree. Within this context, what can be said of the condition of post-Ordinance 50 farm workers?

¹¹⁴ Beyond the Pale, p. 97.

¹¹⁵ CA, 1/UIT 15/13, Civil Commissioner-Superintending Missionary, Bethelsdorp, 9/9/1829 & Civil Commissioner-Buchner, 9/9/1929, pp. 272-73.

¹¹⁶ 'Contracted Chattel', pp. 9-10.

As noted, the ordinance did not interfere with contracts entered into before it came into force. In 1824, Uithaalter Volmink had been bound to Louis Trichardt for eleven years against a 'real and legal debt' incurred through having lost some stock. Volmink received no clothes or wages, the Rds 15 due him each year going to redeem the debt. In October 1828, shortly after this contract was made over to a certain Meyer, Moodie requested advice regarding problems 'coming to light' as a result of Ordinance 50 and 'the prevalent notion that the imagined rights of the Masters ... [are] endangered'. Three Albany JPs considered Volmink's situation but disagreed on how to act. One, Walter Currie, pointed out that, were he released from this oppressive contract, it might throw 'all contracts open to the discretion of the Magistracy'. In short, justice for Volmink could set a precedent that would alarm employers and give magistrates more work.¹¹⁷ On 12 March 1829 'Angeniet a female of the Bosjeman tribe' had her contract annulled after she complained that 'from imbecility of judgment with respect to time' she had agreed to a four-year contract (thinking it 'equal to 12 months') for 'a suit of clothes per annum'. This contract, entered into in 1827, had the status of Volmink's and could only be annulled because it was found that Angeniet had been underage and thus disqualified from binding herself.¹¹⁸

A point on which the three JPs agreed was that Volmink's wage was below district levels. Post-Ordinance 50, Marais found 'not a single reference to adult Hottentots working only for their food and clothing - a state of affairs which had been common before 1828'.¹¹⁹ This may have been so by the late 1830s, the time to which he alludes, but not in the immediate aftermath. Moreover, one would like to know if he considered women equally with men.

¹¹⁷ CA, CO 2705, No. 230, Moodie-Bell, 3/10/1828, pp. 296-302. This case includes much interesting detail. Moodie adopted a principled position; it is not clear how the case turned out.

¹¹⁸ CA, 1/UIT 7/1/1, No. 122.

¹¹⁹ CCP, p. 185.

After Ordinance 50 the records show women engaging for payment in clothing: On 26 September 1828, Arnoldus Laberlot of Bethelsdorp contracted to work for 6s. per month while his 'lawful wife' Mietje received a 'suit of clothing' at the end of six months. Leentje and Annaatje Mattroos contracted for a whole year for one, and 'Mina' and 'Grieta' for two such outfits.¹²⁰ The rates for Uitenhage men ranged from 1s.6d. to 9s. per month. It is not simple to discern the basis for these differences - whether it was experience, age, the circumstances of employers, the type of work, or yet some other cause.

The magistrate of Graaff-Reinet had proposed that 'a local Tariff be formed': This was not to be construed as a minimum wage when contracts were drawn but, rather, a guide to 'the Rate of Wages ... usually paid in the District' when wage disputes occurred (see Art. 7).¹²¹ Marais collected figures, or 'guesstimates', which show that - throughout the colony but especially in remoter districts - farm wages stayed 'extremely low'. Sales believed that the expectation that Ordinance 50 would lift wage rates was 'negated' by the 'cheaper Xhosa labour' available in terms of Ordinance 49.¹²²

Sales' claim regarding the effects of Ordinance 49 is not specific as to time and place. A few months after the two ordinances, Stockenstrom observed that the Xhosa 'show little disposition to take service in the Colony'. Campbell complained of the unsatisfactory response to the 49th ordinance in 1829.¹²³ In Uitenhage - no more a border district - a dozen or more Xhosa

¹²⁰ CA, 1/UIT 14/11, see the dates 26/9/1828, 6/12/1828 & 27/12/1828, and 14/5/1829, 29/5/1829 & 8/8/1829.

¹²¹ CA, 1/GR 17/46, Resident Magistrate-Clerk of the Peace, 1/10/1828.

¹²² CCP, p. 185; Sales, Mission Stations and the Coloured Communities, p. 101.

¹²³ CA, CO 336, No. 20, Stockenstrom-Colonial Office, 24/11/1828; 1/AY 9/6, Nos. 206, 207 & 210, Campbell-Bell, 14, 19 & 21/8/1829, pp. 264-65, 267-68.

('free persons of colour of the Caffre tribe') contracted in the Under Bushmans' River ward and a scattering elsewhere in the first year (the picture changed when Mfengu arrived in numbers after the 1834-35 frontier war). Field cornet Buchner told Moodie that Xhosa as well as Khoisan were living in the bush and stressed the inconvenience attached to getting contracts countersigned: '[T]o his positive knowledge there was only one Hottentot under Contract' in his ward.¹²⁴ Whether casual workers and those who may have been employed longer-term without a written contract were better or worse off on this account is simply not known.

When the Kat River Settlement was formed, Read hoped that this new labour drain might be the catalyst to force the colonists to treat and pay their servants better.¹²⁵ It is tedious but unavoidable to have to say, as others have before, that written evidence respecting wages is sketchy. What we know suggests that more attention than before was directed towards conditions of employment in the formal contracts of indenture, and that labour agreements were often informally negotiated in places distant from the towns.

For positive developments, one must look somewhat beyond the period considered here. In January 1831, the LMS missionary Robson cited three examples of improvement in the status of the 'Hottentots'. The first bears marginally on the discussion above: Those employed on the beach at Port Elizabeth received a wage which 'could not have taken place under the old oppressive pass system'. In the second place, the Khoisan could look for justice in the courts 'without the interference of a Missionary'.

¹²⁴ CA, CO 2713, No. 133, Moodie-Bell, 27/1/1829, pp. 565-68. Three Khoisan had been contracted in Buchner's ward, one to himself, see 1/UIT 14/11.

¹²⁵ CA, LG 5, Read-Stockenstrom, 11/7/1829, p. 142.

Finally, whether they were baptised or not they could 'pass the Matrimonial Court which renders their marriages legal'.¹²⁶

This last example represents a shift respecting 'heathen' status in situations where Christian membership had been essential. In October 1829 a question arose in terms of Article 22 of the instructions for the Matrimonial Court (see Chapter 4) as to the legality of marriage between Hans Zeeland, 'a Caffre legally residing in this Colony, but not Baptized' and Elizabeth Louis, 'a Free Hottentot woman Baptized'. The 'Free Black Louis' consented to his daughter's marriage but the Court was advised that it could not 'register a marriage between a Christian person and an Heathen'.¹²⁷ In 1830, as Robson indicates, the rules were amended. Shortly, the Court register ceased to note the Christian status of marriage partners. A new marriage ordinance was only published in 1839 in response to situations which ensued from the emancipation of the slaves.¹²⁸

¹²⁶ CA, ZL 1/3/10, Box 12, Folder 4A, Robson-LMS, 6/1/1831. '[U]nbaptized natives were excluded from the Matrimonial Court from 1818 to 1830', 'Papers accompanying and explaining points in Tabular View of South African missions ...', 1830, CWMA, Box 12, Folder 2, Theopolis. Marriage between 'races' where both partners were baptised, though it might be a social problem, was legal during that period, see CO 381, 'A Return of Parties married in Church of Beaufort during year ending 31st December 1829', 4/1/1830: White Males with White Females 17, White Males with Coloured Females 3, Coloured Males with White Females 1, Coloured Males with Coloured Females 3.

¹²⁷ Whatever the nature of the concession to which Robson alludes, it is unclear if the marriage of Hans Zeeland and Elizabeth Louis went ahead: In 1831 Zeeland appeared in court with his wife 'Lys' (on a defamation charge), CA, 1/UIT 16/3, 24/10 & 21/11/1829; CO 2711, No. 197, Harding-Bell, 24/10/1829, pp. 462-66; 1/UIT 7/1/1, No. 287.

¹²⁸ Johannes William Raum, 'The Development of the Coloured Community at Genadendal under the Influence of the Missionaries of the Unitas Fratrum, 1792-1892', M.A. Dissertation, University of Cape Town.', 1953, p. 126. The Rds 2 1/2 fee for publishing marriage banns was a problem for the Khoisan, CA, 1/UIT 10/18, Brink-Civil Commissioner, 16/8/1833. Few Khoisan couples were registered in Uitenhage before 1833, and those mainly from Enon. Marriage policy remained contentious, see Archbishop Merriman who concurred with a Moravian 'in reprobating strongly the practice

For the most part, obstacles littered the way to the rapid 'improvement' expected to flow from Ordinance 50. Structural impediments were not swept away by the Khoisan's altered civil status. This was so with respect to modest goals, and infinitely more so in the case of their exclusion from policy-making and administrative structures. No project aimed to train the literate for posts closed to them for want of experience, or educate the rank and file for exercising burgher rights. Potential leaders could be office-bearers in a mission church, or at the segregated Kat River Settlement. The colonists feared concentrations of this sort as hotbeds for anti-colonial plots. The possibility of mass insurrection, or local eruptions of violence where the state's capacity for peace enforcement was weak, was a political instrument of sorts in the struggle for equal rights. Responses to such possibilities were pre-emptive violence from certain colonists and acts of charity by government where these were judged to dampen discontents at acceptable cost.

G. J. Rogers, the Protector of Slaves, who travelled with the circuit court in 1829, reported privately to Cole on Ordinance 50's effects. He found no betterment, and no appreciation of 'benevolent views': The Khoisan 'love to be at absolute freedom from all obligations to work.' An undefended village risked 'being destroyed by any small Party of marauding Bushmen or Hottentots who under cover of a dark night, and the influence of intoxication, of Revenge, or out of mere mischief might attack it'. It was a wholly negative account, with warnings but without

of Dissenting ministers and even in some instances ministers in communion with the Dutch Church of marrying parties who are either one or both heathen ... But the low views prevailing respecting baptism, and the impossibility of ascertaining in some instances whether Hottentots are baptized or no, throws this question of marriage, as other things, into great confusion', D.H. Varley and H.M. Matthew eds, The Cape Journals of Archdeacon N.J. Merriman 1848-1855, Cape Town: The Van Riebeeck Society, 1957, p. 79. That ignorance of Christian doctrine was an official concern was demonstrated when a magistrate sent a Khoi to a clergyman after he declared (probably when required to swear an oath) 'that he does not believe in the existence of a God', CA, 1/UIT 15/54, Resident Magistrate-Rev. H. Smith, 13/4/1830.

practical advice which might assist either the Khoisan or the governor of the Cape.¹²⁹

The great body of Khoisan - those on isolated farms, engaged in contract work of any kind, or wandering unemployed - experienced Ordinance 50's limitations. As Iannini pointed out, 'though it outlawed mistreatment of workers, it did not ... spell out exactly what mistreatment was. Nor did it place a limit on the number of hours a laborer could work'. Moreover, the government did little to implement it in day-to-day administration at local level where Khoisan interests most needed to be served.¹³⁰ As the evidence for this failure accumulated, Philip 'came to realize that the fairness of the labour market had to be continually defended'.¹³¹ This need increased as the century advanced and the 'tradition of protective benevolence towards the black man' was abandoned.¹³²

¹²⁹ CA, SO 3/20a, Rogers-Bell, August 1829.

¹³⁰ Both then and since, critics have drawn attention to the poor administration of satisfactory laws at this juncture of Cape history, see CA, CO 3941, Bannister, 14/2/1829, pp. 172-76 and Duly, 'A Revisit with the Cape's Hottentot Ordinance', *passim*.

¹³¹ Ross, 'James Cropper', p. 152; Iannini, 'Contracted Chattel', p. 38.

¹³² Douglas A. Lorimer, Colour, Class and the Victorians, English attitudes to the Negro in the mid-nineteenth century, Leicester University Press, 1978, p. 12.

IV. THE KHOISAN IN PEACE AND WAR, TO 1835

The Kat River Settlement, founded in 1829, presented colonial Khoisan with an alternative to servitude reminiscent in its novelty of the foundation of the first eastern mission and permanent establishment of the Cape Regiment several decades before. Like those innovations, this alternative altered the life circumstances of relatively few. Farm employment remained the foremost (legal) option for subsistence and, moreover, was resorted to by soldiers, mission residents, and some Kat River settlers at certain stages of their lives. The factor which distinguished 'then' and 'now' was the new context of equality before the law for 'Hottentots and other free Persons of colour'. Chapter 9 looks at the meaning of the new freedoms for those eastern Khoisan who did not permanently or, more commonly, at any stage reside at the Kat River Settlement - the subject of Chapter 10. Chapter 11 explores the experience of the Khoisan of the eastern districts as a whole with regard to the draft vagrancy law of 1834 and the frontier war of 1834-35.

9. Claiming and Defending Equal Rights in the 'Old Colony'

The Khoisan's access to colonial farms

During the 1830s, the procedures for alienating Crown lands were in flux: In 1832, civil commissioner Campbell gave his view that the old colonists' conviction of entitlement was due to the system of 'granting the land to individuals instead of selling it to the highest bidder'. Soon after he was advised that 'no quitrent grants can any longer be made by Government', conformable with the so-called Ripon System announced in the Government Gazette whereby land should be disposed only 'by public auction at an upset price'.¹ However, quitrents continued to be granted: According to Duly the new system came into effect at the Cape only in 1843.²

The 1830 petition on behalf of ex-soldiers at Theopolis, referred to in Chapter 8, was signed by eleven sergeants (including Hendrik Klaas), seven corporals and numerous privates.³ Three of their points supporting their appeal for land were labelled 'false' in marginal notes made by the governor's secretary, Bell, or else - more plausibly, as will be seen - by Cole himself: Two of the rejected points concerned land rights at Theopolis; the third was the claim that Theopolis 'alone resisted the torrent of Caffres' who overran the eastern frontier in 1819. The petition is interesting in that it followed the opening for settlement of the Kat River, signifying that this category of

¹ CA, 1/AY 9/6, No. 10, Campbell-Bell, 3/2/1832, p. 496; 1/AY 8/21, No. 34*, Bell-Civil Commissioner, 20/4/1832.

² Duly, British Land Policy, pp. 116-17. In 1836 the missionary Hallbeck testified that, to his knowledge, no public sales of land had yet occurred, BPP, No. 538 (1836), Q. 3102, p. 340.

³ CA, CO 4447, Sir R.S. Donkin's Collection of Missionary Complaints, Memorial of Cape Corps Men at Theopolis, 4/3/1830 (also CO 381, Philip-Bell, 11/3/1830, Appendix B).

Khoisan still hoped for recognition of the right to land grants among the colonists. Seen in this light, Klaas' eventual move to the Kat River appears a last recourse.

It was unfortunate for the soldiers' cause that their memorial was included with documents assembled by Philip to support the claim of Theopolis to neighbouring lands. Cole was bitterly opposed to Philip, his Researches, and this campaign in all its aspects.⁴ Had the petition come before him as a separate issue he might have been guided by the Commission of Inquiry's recommendation respecting allotments for Khoisan soldiers (Chapter 8). Instead it was merged with Philip's machinations (as Cole saw it) which he doggedly opposed:

The Hottentots of the Institution have in common with their countrymen supplied the colonial corps with good soldiers and many of them receive pensions - In common with the Inhabitants of every class, they have contributed to the defence of the Frontier, but not to a greater extent or with greater effect than others, and whatever reward or encouragements they may be entitled to on that account it is in my opinion more fitting that they should receive it directly from the Govt. they have served than indirectly through and at the will of any Missionary Society, or that their supposed claims should be now allowed to disturb the lawful possession of the neighbouring land owners.⁵

Cole's determination that benefits not be construed as owing to 'the will of any Missionary Society' derived from a grievance that they (meaning Philip) had cheated government of credit it deserved, first with regard to Ordinance 50 and then, during his own governorship, the Kat River scheme.⁶

Paul Keteldas of Bethelsdorp was the first 'Hottentot' to petition on the same basis as the colonists - he was not a

⁴ CA, GH 23/9, Cole-Goderich, 10/5/1831, pp. 506-31.

⁵ CA, GH 23/9, Cole-Goderich, 10/5/1831, pp. 514-15.

⁶ CA, GH 23/9, Cole-Hay, 25/10/1830, p. 351 & Cole-Goderich, 10/5/1831, p. 525.



Thomas Baines' sketch, 'Dragging out timber', was made further east (Piric Forest, near King William's Town) and at a later period than that discussed here, but probably depicts a very similar scene and means operandi.

Marius and Joy Diamond, The Breathurst Baines, p. 91.

To His Excellency Lieut General the
Honourable Sir John Sir John Sir John

Governor of the Cape of Good Hope

The Memorial of Paul Healdas Humbly sheweth

That he has been a member of the Bethelders
a long sixteen years,

That he is of the Hottentot nation & confidently
refers to the Missionaries & neighbours for testi-
mony of his conduct & capability to manage
Land,

That he has a wife & eight children, also cattle,
a wagon & other property, & most humbly & affect-
ingly requests that Your Excellency would be gra-
ciously pleased to give him a Grant of Land which
is situated between Mr. Hoedj's farm & the sea
in the District of Witenhage & Field Country of
Bushman's River, & that the same may be se-
cured to himself, his wife & children,

And Memorialist as in duty bound

shall ever pray

Paul Healdas

Bethelders May 5

1829

CA, LBD 47, WITENHAGE, Report
NO. 6, 7/8/1832, SUB. NO. 13.

military pensioner - for a farm in the eastern districts. On 5 May 1829 he wrote:

The Memorial of Paul Keteldas Humbly sheweth, That he has been a member of Bethelsdorp above sixteen years. That he is of the Hottentot nation and confidently refers to the Missionaries & neighbours for testimony of his conduct & capability to manage Land, That he has a wife & eight children, also cattle, a wagon and other property, & most humbly and respectfully solicits that Your Excellency would be graciously pleased to give him a grant of Land which is situated between Mr. Moody's farm & the sea in the district of Uitenhage & Field Cornetcy of Bushmans River, & that the same may be secured to himself, his wife & children⁷

Keteldas and three of his children had been baptised by Read at Bethelsdorp on 8 January 1815 - some two years, by the above testimony, after he entered the institution. He was said to be thirty-nine years old at the time.⁸ Later that year, 'Brother and sister Keteltas celebrated their wedding day': Read and Messer who were in attendance judged the marriage feast remarkably well arranged. When Read called upon the Bethelsdorp woodcutters working at Tzitzikamma he found twelve neat houses and pronounced Keteldas the 'chief man here'.⁹ By 1817 Paul and Magerman Keteldas (probably brothers) were at 'New Lattakoo' with a select band of converts enlisted by Read to found a mission to the Tswana ('Bechuana').¹⁰ Later, when he resumed the life of a

⁷ CA, LBD 47, Uitenhage, Reports Upon Lands Nos 1-18, Report No. 6, 7/8/1832, Sub. No. 13. Read probably wrote the memorial for Keteldas as they were together around that time and the latter appears to have been unable to write, see C0 2713, No. 133, Deposition signed with his mark [X], p. 581.

⁸ CA, A 559(4), Adult Baptism No. 130, Magerman Keteldas, aged 34 in 1814.

⁹ CA, ZL 1/3/6, Box 6, Folder 2E, Report of Bethelsdorp for 1815, entries dtd. 2/7 & 5/9/1815; A 559(4), List of Adult & Infant Baptisms at Bethelsdorp, Adult No. 184 & Children Nos 170-72 (Fytje, Cornelius, Anna).

¹⁰ CA, ZL 1/3/7, Box 7, Folder 3C, Accounts, New Lattakoo, 31/12/1817.

sawyer, he was attached to Hankey as were a number of the families so engaged.

As seen, Keteldas is identified as 'Hottentot' in his memorial but Under Bushman's River farmer Marthinus Esaias Scheepers, who applied for the same 1 250 morgen farm (known as 'Lange Vlakke'), called him a 'baster' - product of a white-Khoisan union - when he pressed his claim.¹¹ In truth it appears that Keteldas was a 'Bastard-Hottentot' according to the parlance of the time. In 1816 he secured the freedom of Joseph Keteldas, his brother, who was a slave and said to be aged seventy upon his baptism that same year. This information suggests that Joseph and Paul were half brothers - the first the offspring of two slaves, the second of a later union of slave father and free Khoisan.¹²

As a Bastard Keteldas would have had a stronger chance of acquiring land, prior to Ordinance 50, than Bastard-Hottentots appear to have enjoyed. However, the records show that he had gone to the Under Bushman's River ward in April 1828 to fulfill a contract whereby he paid in timber for 'a piece of land near Camtoos River' - presumably, on offer by a colonist.¹³ For

¹¹ CA, LBD 47, Report No. 6, 7/8/1832, M.E. Scheepers, 14/7/1832 (referring to a deposit for surveying expenses made three years earlier). Moodie also called Keteldas 'a Bastard' and gave his age as 50, CO 2713, interview conducted 16/4/1829, enclosed in No. 133, Moodie-Bell, 27/11/1829.

¹² CA, A 559(4), Adult baptism No. 604, 8/12/1816. Emancipation was a two-stage affair: Keteldas first purchased his brother from the owner, Hendrik de Bruin, and then took steps to 'procure him his liberty' by lodging a Rds 50 surety against the day when he might become a charge on government through age, infirmity or destitution. See: CO 2603, No. 47, Cuyler-Bird, 1/8/1816, enclosing Read-Cuyler, 31/7/1816; CO 4838, Bird-Cuyler, 21/8/1816, p. 472.

¹³ In 1829 the governor remitted a fine for non-payment of transfer dues 'On a certain piece of Quitrent Land called "Erasmus Kraal", situate in the District of Uitenhage in the

reasons unknown this contract 'was broken' but he persevered, setting his sights on land still at the government's disposal. During seven years he built, planted, established a small herd, and clung to the spot.¹⁴

When Moodie met Keteldas on 16 April 1829 he had been at Under Bushman's River for a year. Moodie depicted him as settled in to the extent of planting wheat, barley, and Indian corn. Relations with Dutch neighbours continued to be very strained. In 1832, certain 'Bush Sawyers' addressed The Graham's Town Journal to complain that 'the Dutch inhabitants of Cruis Vontein, adjoining to Elephants Hoek, who are so extremely disagreeable and contrary' had ploughed the road into the forests, resited survey beacons, impounded livestock, and claimed the grazing needed by the woodcutters for themselves.¹⁵

Scheepers for his part complained of Keteldas residing on the land for which he had applied:

... de baster Pouwel Keeteltas die maak er zyn vryje gebruyt van Passeende Jaar heef hy er vris op geploeg en gesayd in ook is hy er op vris aan bouwe want daar staad een huys op, die klaar is van ses en twintig voet lang in twaalf voet wyd in drie andere meer die nog niet voltoyd is van twintig voete lang in tien voete wyd¹⁶

Civil commissioner Van der Riet confirmed this in the course of his inspection of the land claims in the ward: He had 'told him

Field Cornetcy of Gamtos river, sold by Salomon Ferreira to Philip Botha and D. [P.?] Keteldas (Hottentots of Bethelsdorp) on the 12 Sept. 1827 for the sum of Rds. 200', CA, 1/UIT 10/14, Colonial Office-Civil Commissioner, 30/12/1829, p. 319.

¹⁴ CA, CO 2713, No. 133, Keteldas' deposition, pp. 579-81.

¹⁵ Letter of 17/9/1832, The Graham's Town Journal, 5/10/1832. It is unclear if this letter represents the complaints of English or Khoi woodcutters, or both.

¹⁶ CA, LBD 47, Scheepers-Civil Commissioner, 14/7/1832, enclosed in Report No. 6.

[this] was contrary to Law - and that I would mention this circumstance in my Report'. But although Keteldas was warned, Van der Riet went on to inform the Land Board 'that he is an industrious person, also bearing a good character - and would undoubtedly give a fair trial to the capabilities of the Land'. A year later, Scheepers withdrew his deposit towards survey expenses. After a further three-year delay, the land was granted to Paul Keteldas at an annual rental of L1. The grant, which included 'Every description of Forest Timber' and 450 morgen of grazing ground, was hedged with conditions: 'That the Forest shall remain public property, and ... Lange Vlakte be subject to Outspan for the Cattle of the Woodcutters'.¹⁷ Keteldas secured his title at once, paying eight years' rental in advance.¹⁸

From Read we learn that Keteldas received crucial help from the merchant, Korsten, who lent him Rds 225 to cover fees to acquire 'Lange Vlakte'.¹⁹ Read did not see the Kat River scheme as obviating Khoisan rights in Uitenhage and pressed the case especially of older men with property, for whom the rigours of the settlement might prove too taxing. Some of them sought loans, he claimed, only to be informed that target properties 'are about to be given to Boors'.²⁰ As seen, in Keteldas' case where funds were lent and a rival claimant withdrew, Van der Riet was evenhanded and recommended his application. Delays were due to slow completion of the surveys and titles: Duly shows that few

¹⁷ CA, LBD 47, Report No. 6, Civil Commissioner's Remarks, and Land Board decision dtd. 16/8/1836. By 1833 Keteldas had been on the land 'about five years', 1/UIT 15/16, Civil Commissioner-Board of Commissioners for Lands, 11/10/1833.

¹⁸ CA, QRR 230, Uitenhage, No. 603, Paul Keteldas, 16/8/1836.

¹⁹ CA, LG 5, Read-Stockenstrom, 8/9/1829, p. 149.

²⁰ CA, LG 5, Read-Stockenstrom, 11/7, 8/9 & 23/11/1829, pp. 142, 149, 157.

grants were finalised before the Land Board was reconstituted at the end of 1834.²¹

The motive for Scheepers' withdrawal of his claim can only be guessed at but, as seen, the frictions in the ward had not abated. In 1832, several months before the letter from 'Bush Sawyers' appeared in the Journal, Van der Riet instructed field cornet Buchner to investigate when Keteldas complained that Coenraad Scheepers had interfered with access to the forest.²² Early in 1834 - after some men of his district had scouted the interior and reported an inviting 'empty land' - the civil commissioner of Albany and Somerset observed that enthusiasm to quit the colony was strongest in Uitenhage.²³ Numbers of the Scheepers clan joined the emigration which became 'the Great Trek'. Marthinus Scheepers may already have decided, earlier on, that other options were superior to title to an Under Bushman's River farm where nuisances and costs had irked his family members for so long.

By 1834-35 a mere handful of Khoisan not at the Kat River had applied for - and fewer had received - title to lands at the disposal of government.²⁴ Most were too poor to purchase by private sale: Land transfer records are incomplete but those for Albany afford no evidence that the Khoisan began acquiring

²¹ British Land Policy, pp. 107, 111, 118-19; CA, 1/UIT 15/16, Civil Commissioner-Surveyor General, 23/7/1833.

²² CA, 1/UIT 15/15, Civil Commissioner-Buchner, 1/2/1832.

²³ CA, 1/AY 9/7, Civil Commissioner-Bell, 24/1/1834, pp. 128-30.

²⁴ CA, LBD 92, References of Memorials, 1829-1861: Stoffel Manuel, 27/1/1830 (entered under 'S', no reference to locality), Jager with Frederik and Rooy Bartman, 13/2/1830 (for the farm 'Romans Kraal' in Somerset), and September, 9/12/1831 (called 'Hottentot' but possibly a free black, Cape District). Stoffel Manuel and the three men from Somerset appear also in LBD 98.

properties from colonists as a result of Ordinance 50.²⁵ A correspondent in The Graham's Town Journal referred to 'small locations' on lands vacated by British settlers, where Khoisan planted 'a little' on their own account and worked 'a little' for the farmers. Squatting is not alleged, but neither are arrangements between them and the landowners made clear.²⁶ Subtenantry was an option by which Khoisan could gain experience before becoming independent farmers, and may have been operative here. On an occasion when this idea was broached, Stockenstrom had counselled against it: 'That must be the work of time as Prejudices wear off and mutual interests become self-evident. In this respect Govt. can do nothing more than remove (if it can) obstacles if they exist.'²⁷ It is possible that by 1834, with settler farmers moving into other occupations, a moment favourable to 'mutual interests' had arrived.

On 2 October 1845, 'Lange Vlakte' was transferred to Carel Godlieb Holl.²⁸ Paul Keteldas, if still alive, was close to seventy by then. No further information concerning him or his heirs has been found.

²⁵ See CA, 1/AY 11/3, Transfer dues received ... Albany. The Moravian missionary Hallbeck testified that 'five or six' Khoisan families held land in Swellendam, BPP, No. 538 (1836), Q. 3110, p. 340.

²⁶ John Mitford Bowker, writing from 'Tharfield', condemned these Khoisan on grounds of neglect of the land on which they lived, reluctance to work for neighbouring farmers, thieving, and ingratitude for produce sold them 'at low prices on credit', The Graham's Town Journal, 6/11/1834. He was challenged by 'Tim Quiz', 13/11/1834, and rebutted the challenge, 27/11/1834, Journal.

²⁷ CA, LG 9, Stockenstrom-Bell, 11[?]/4/1829, p. 168. This was another idea of Innes of Uitenhage, see Chap. 8.

²⁸ CA, QRR 230, Uitenhage, No. 603.

The Khoisan's access to mission lands

In 1829 Commissioner of Inquiry Colebrooke proposed dividing mission lands so that Khoisan could receive them in the form of independent grants. He hoped that British settlers would buy allotments so that the communities were mixed, their children attended the same schools, and Khoisan proficiency in the English language was improved.²⁹ Stockenstrom's response included a revealing exegesis of his thoughts concerning the attitudes of missionaries towards the persons in their charge:

As for the missionaries, I will tell you in a few words what they want. Give them all the land in the colony so that the Hottentots may hold it from them and during their pleasure; but you are now taking their Hottentots from their Institutions, these you will therefore upset, you will consequently undermine their power over the Hottentots and deprive them of a certain degree of political influence, which even Saints are sometimes tenacious of. In short you are going to make human beings of their Hottentots without consulting them, without their consent, without being bullied into it by them, in defiance of them. As our great Patron, Luther, said that he would rather be in Hell with Christ than in Heaven without Him, so the missionaries think that the Hottentots would be much better off in the former place with them, than in the latter without them.³⁰

It is not clear what in his experience prompted this indictment. Possibly Read's remark that the missions would be altered by the exodus to the Kat River of valued members (Chapter 8), which coincided with the commissioner-general's preparation of the

²⁹ Theal, RCC, 35, 'Draft for the Settlement of the Lands at the Missionary Institutions in South Africa', 11/3/1829, pp. 300-03.

³⁰ CA, A 2564, Stockenstrom-Bell, 1/7/1829 (cited here from George R. Mellor, British Imperial Trusteeship, 1783-1850, London: Faber & Faber, 1951, pp. 270-71). For agreement that missions should be broken up because of 'abuses arising from the temporal power acquired by the missionaries over the Hottentots', see Moodie, Ten Years in South Africa, p. 297.

above dispatch, spilled over on this issue.³¹ If Philip and the LMS were those to whom he referred (as they undoubtedly were), then he ignored Colebrooke's point that Philip approved the proposal on the grounds that it would counter resentment about the Khoisan's being trained up 'as a separate people'.³²

Cole addressed this matter in 1831 at the same time that he rejected the land claims of Theopolis.³³ Supporting Colebrooke, he recommended that mission lands be granted 'in freehold and without charge to the Hottentots'.³⁴ Nothing came of this. The question was raised in the Legislative Council in 1834, at a moment when public feeling respecting vagrancy was again running high.³⁵ Hallbeck, head of the Moravian missions at the Cape, opposed the plan. Of his position, Kruger says:

He himself had considered subdividing the plots among the inhabitants and releasing the missionaries for their spiritual task in 1823. But the experiences which he had gathered since, made him now very cautious towards such a step. It would mean the end of the peculiar spiritual and temporal fellowship in the settlements Anyone would be able to buy a plot and to become a resident. It would become impossible to apply strict discipline. The economy of the Mission would cease to finance the spiritual work

³¹ It is probably relevant that Stockenstrom held Philip responsible for inquiries into his administration of Graaff-Reinet by Bigge and Colebrooke, Hutton ed., Autobiography, I, pp. 209-21. He repeated his support for privatising mission lands, CA, LG 12, No. 132, Remarks ..., 31/12/1830, p. 260.

³² Theal, RCC, 35, 'Draft ...', p. 302.

³³ See Chap. 6. For the heat generated by this issue see e.g. CA, GH 23/9, Cole-Goderich, 10/5/1831, pp. 506-31, and The Graham's Town Journal, 27/1 & 10/2/1832.

³⁴ CA, GH 23/9, Cole-Goderich, 10/5/1831, p. 530.

³⁵ A proposal by Wade at this time, that Crown lands be set aside for the Khoisan, was seen as cynical when none could be found to satisfy the 'vagabond boers', and the retention of mission lands as asylums was urged, 'Scrutator', The Graham's Town Journal, 16/10/1834.

.... He did not wish to reject the idea completely, because it purported to be in the interest of the inhabitants³⁶

The frontier war of 1834-35 interrupted the debate, which was revisited in 1836. Kruger notes that settling Khoisan on Crown land and legislating private property rights on mission institutions were mooted then but 'none of these projects came to fruition'.³⁷

The missions continued as before, amidst suspicions which did not subside. Being near the boundary, Theopolis was badly placed in this regard. In June 1834 Henry Somerset reported that twenty to thirty Xhosa and Khoisan without 'visible means of existence' were robbing farmers between Bathurst and the Fish River. The Xhosa, he alleged, entered

under the pretence of going to the School at Theopolis - many of these people being disguised in old clothes which they throw off the moment they cross the Fish River - by the assistance of this disguise they pass into the Colony and commit the most serious depredations.³⁸

Shortly after this the LMS missions in the 'old colony', along with the greater part of the Kat River settlers, angered many colonists by rejecting a draft vagrancy law (Chapter 11).

Accommodation in - and by - the towns

Squatting by newly-mobile Khoisan in the neighbourhood of towns forced the officials to regularise the process by some means.³⁹ As noted (Chapter 8), the government responded favourably to the

³⁶ The Pear Tree Blossoms, p. 191. Kruger continues with proposals made by Hallbeck in 1836.

³⁷ The Pear Tree Blossoms, p. 190.

³⁸ CA, 1/AY 8/85, Somerset-Campbell, 30/6/1834, pp. 349-50.

³⁹ In 1831, twelve out of seventy-four recorded deaths occurred in dwellings described as a 'Hut near Grahams Town' and persons bearing Khoisan names died in the town, CA, 1/AY 8/1/1, Field Cornets, Reports, 1824-1836.

proposal by acting civil commissioner Moodie in 1829 that plots in Graham's Town be allocated to selected individuals:

In reply to your letter of the 29th ultimo, for instructions relative to the numerous hottentots who infest the neighbourhood of Grahams Town and suggesting that the most deserving among them should be allowed small pieces of land in that Township for the purpose of erecting dwellings, I am directed by His Excellency the Governor to acquaint you that he approves of your suggestion and desires you will cause such portions of the Land alluded to, as you conceive might be appropriated to that purpose to be surveyed and subdivided at the expense of Government and His Excellency further desires you will propose to me the period that should be allowed the Individuals in question for the erection of their Dwellings, the description and dimensions of which must be fixed, - and you will also submit to me for His Excellency's approval the regulations to be observed by intending Occupants.⁴⁰

At this point Thomas Philipps renewed the call for a corporate body for Graham's Town - a system, familiar to the British settlers, which gave property owners important powers with regard to local government.⁴¹ Squatting may not have been the sole, or chief, concern of Philipps and other advocates: Uitenhage was petitioning for a 'Town Corporation' because the government failed to 'keep our watercourses etc. in repair'. The fact

⁴⁰ CA, 1/AY 8/19, No. 13, Bell-Acting Civil Commissioner, 12/2/1830, pp. 21-22. Connections between Bourke and Cole's ideas concerning town allotments for the Khoisan are unclear: Visagie links the Graham's Town location with Cole's proposal of 29/9/1828, although Stockenstrom's response frustrated developments elsewhere, Jan Christiaan Visagie, 'Die Katriviernerdersetting, 1829-1839', Ph.D. dissertation, University of South Africa, November 1978, pp. 32-33, 318.

⁴¹ CA, 1/AY 8/81, Philipps-Moodie, 9/3/1830; 1/AY 8/19, No. 30, Bell-Civil Commissioner, 26/3/1830, p. 52. The allocation of town erven to 'coloured' squatters was taken up elsewhere in Albany, thus the JP of Bathurst proposed 'small allotments of ground ... to the Hottentot population', 1/AY 9/7, Civil Commissioner-Bell, 21/2/1833, p. 13.

remains that, however various the motives for this campaign may have been, the issue of vagrancy was on every colonist's mind.⁴²

It is unclear how conscientiously the governor's instructions were observed. A correspondent styled 'A Friend to Order' complained that the 'Hottentot village' which the civil commissioner marked out was nothing but 'a parcel of wretched straw or rush hovels'.⁴³ Meanwhile, squatting spread. In 1831 the commanding officer of the 98th Regiment advised that 'numerous families of Hottentots are daily locating themselves on the Government Ground in the vicinity of the Barracks'. The solution, in his view, lay in 'removing them ... altogether' but the law afforded them protections which frustrated the easy execution of such a plan. The fact that the squatters occupied Crown land meant the civil commissioner alone could authorise 'ejectment'. Offences such as 'taking wood from the Town lands' were punishable when individuals were caught in the act but not 'on a general charge'.⁴⁴ (Piet Malgas was caught but discharged on promise not to do it again.⁴⁵)

Two years later, in 1833, the commanding officer complained of the nuisance created by the assemblage of prostitutes in Huts and Sheds erected on the Government Land adjoining the Barracks ... a great many idle and dissolute persons have settled themselves in that quarter whose removal would be

⁴² CA, 1/GR 10/10, Innes-Civil Commissioner, 3/2/1830; 1/AY 9/6, Civil Commissioner-Bell, 16/4/1830, p. 323 & 14/5/1830, p. 324. Philip testified that 'the outcry against the vagrancy and crimes of the Hottentots was at its greatest height' in early 1830, BPP, No. 538 (1836), Memorial, 10/6/1834, p. 729.

⁴³ The Graham's Town Journal, 20/6/1833.

⁴⁴ CA, 1/AY 8/82, Lt. Col. Fitzgerald-Waddel, 31/7/1831, Waddel-Fitzgerald, 7/9/1831, Fitzgerald-Campbell, 7/9/1831 & McRosty-Campbell, 10/11/1831.

⁴⁵ CA, CO 2713, enclosure in No. 133, Moodie-Bell, 27/11/1829, p. 593. Malgas was one of four men apprehended.

productive of beneficial consequences to themselves, as well as to the Troops and the Inhabitants in the vicinity.⁴⁶

The 'prostitutes' are not identified but the court records show that women charged with sex-related offences were usually free blacks or Khoisan. Squatters often clustered near military installations, due in part to adjacent government land from which eviction was less certain than from property in private hands. Other reasons probably included the Khoisan's long association with the army through the Cape Corps and the availability of jobs - not for prostitutes alone but for laundresses,⁴⁷ herdsmen and others. In Uitenhage in 1835 the area called 'the Barracks' was earmarked to be 'publicly disposed of in small allotments' - whether by grant or public auction, or to perceived 'classes' ('races') indiscriminately, is not made clear.⁴⁸

Van Ryneveld of Graaff-Reinet regarded most Khoisan as vagrants but acknowledged a few 'industrious tradesmen' - persons with 'property and a good character' who could 'settle with advantage on Government erven in this town'.⁴⁹ A request for residential land for 'coloured' occupation in Port Elizabeth was expedited with unusual speed: In 1834 the missionary Robson - who had moved from Bethelsdorp to Algoa Bay two years before - reported that

⁴⁶ CA, 1/AY 8/84, Waddel-Campbell, 5/3/1833. The Cape Corps barracks were 'about a mile from the town', James Edward Alexander, Narrative of a Voyage of Observation among the Colonies of Western Africa ... in 1835 London: Henry Colburn, 1837, I, p. 356.

⁴⁷ Piet Malgas lived 'about the old Barracks where his wife washes for the soldiers, earning a dollar a day', CA, CO 2713, enclosure in No. 133, Moodie-Bell, 27/11/1829, p. 593.

⁴⁸ CA, 1/UIT 10/75, Smith-Civil Commissioner, 19/11/1835. Smith instructed that 'for the present' the portions occupied by the post office and the 'Schoolroom for children of Color' should be set aside.

⁴⁹ CA, LCA 6, Van Ryneveld-Acting Secretary, 28/6/1834.

attendance at the Union Chapel school (see below) was impeded due to the

want of ground to erect permanent places of abode for the Hottentots and free people of colour of which there are at least 500 in this town and neighbourhood who are now living in temporary Huts and some under Bushes ... with the exception of Mechanics nearly the whole of the labour of this Town is performed by the coloured population, many of whom are engaged in loading and unloading vessels, working at Boats and in the Merchants Stores ... neat cottages shall be erected⁵⁰

A hostile fellow-townsmen warned that this appeal for ground 'for the special use of the Hottentot burghers' was 'a covert attack' on the vagrancy law, which was under debate at the time. The 'respectable' were able to find 'house-room'; thus such an enclave would become 'a place of refuge for the idle and vicious', he alleged.⁵¹ However, without ado, D'Urban and Van der Riet approved a grant 800m from the centre of the town.⁵²

Selective recognition of the needs of 'the most deserving' among an urbanising class of ex-farmworkers had begun. On the whole the remedies devised left unresolved the issues posed by the influx of impoverished, unskilled migrants and set the stage for urban segregation along racial lines. Stockenstrom professed to favour 'immediate amalgamation' but could see no way around certain difficulties: As at Kat River, so in the towns,

⁵⁰ CA, CO 433, No. 40, Memorial of the Rev. A. Robson, no date, pp. 135-38. Union Chapel was under the auspices of the 'independents' (non-Anglican Protestants). The memorial was signed by several townsmen, including former landdrost Cuyler.

⁵¹ 'Bayonian', 31/7/1834. This writer, who singled out Capt. F. Evatt - later called 'The Father of Port Elizabeth' - for mockery, probably represented an extreme view. See rejoinders: 'The High Military Character, F.E.', 21/8/1834; 'An Old Bayonian', 28/8/1834.

⁵² CA, CO 433, No. 40, Memorial of The Rev. A. Robson, p. 138 & No. 62, Union Chapel-D'Urban, 10/10/1834, p. 202. According to Theal, the town had 1 200 residents in 1834 but it is not clear who was counted, History, 6, pp. 83-84.

it strikes me that these would also be exclusive villages, because the whites in the colony will not take those small grants which Hottentots are well contented with, and therefore the separate existence of classes seems almost a matter of course in the present state of things.⁵³

Nor would whites be satisfied with the stock numbers or commonage which Khoisan erven holders were allowed (Chapter 8). The Journal carried heated comment on this issue before attention was diverted by the vagrancy law.⁵⁴

The Khoisan and formal education

In 1834, when Kat River Khoisan assembled to protest a vagrancy law, the sight of their young men writing the minutes was a source of pride. Mr Bergman, 'a Bushman', said: 'I always saw pen and paper with my Master - but now I see them used by my friends the Hottentots.' '[W]rite children', Andries Stoffel exclaimed, 'looking to the three Hottentot young men who were taking down the speeches, viz Andries Hatha, Hendrik Heyn & Hendrik Vincent'. Windvogel Smit's lifetime had spanned 'his Father going with bow and arrows ... his Mother tied to a window and branded by a Boor', until 'today' when he saw 'one of my own Nation sitting and writting [sic] in the Chair, and the children reporting behind'.⁵⁵ These accomplishments were seen for what they were - accoutrements of power: '[W]e thank God that the Hottentots have been taught to write and to defend themselves.' What the Batavian Janssens proposed to keep from them in 1805 was now the property

⁵³ BPP, No. 538 (1836), 4/3/1836, Q. 2368, p. 248.

⁵⁴ See 'An Inhabitant', 27/1/1834, and subsequent correspondence. Graham's Town's commonage (4-5 000 morgen) carried several thousand head of stock (four cows and ten oxen per erf allowed), plus slaughter stock, the draught animals of visitors to town, etc.

⁵⁵ CA, A 50(4), 'Report of a Meeting held at Philipston' [sic], 5/8/1834. Dirk Hatha was the Chair, see Chap. 11.

of some.⁵⁶ The young scribes had come through mission schools. These remained the chief purveyors of formal education for Khoisan, despite their presumptive equal access to provision via public funds.

In 1822, the governor (Somerset) had introduced the so-called English Free Schools system at the Cape as part of a broad policy to anglicise the Dutch inhabitants. Within five years, seventeen such schools were scattered through the colony but in the 1830s numbers declined due to resistance by the Dutch, who funded private schools where their language could be taught and used. Free schools were still, however, to be found in the larger villages in the eastern districts - attended mainly by the children of English-speakers.⁵⁷ In 1833 the civil commissioner of Albany and Somerset remarked: 'A dislike has been frequently manifested among the Inhabitants to send their children to a free School'. Some parents had engaged to pay the teacher, with the result that he was said to focus on his 'private' pupils and spend less time instructing the rest.⁵⁸ Language was probably at issue here, but other struggles were affecting the free schools as well.

As noted (Chapter 4), Uitenhage Town had a 'Government Free Grammar School', attended by whites, and a separate Free School

⁵⁶ For Janssens ('In regard to the Hottentots learning to write, that may be deferred ...') see Sales, Mission Stations and the Coloured Communities, p. 31.

⁵⁷ Ernst G. Malherbe, Education in South Africa, I: 1652-1922, Cape Town: Juta & Co. Ltd., 1925 (reprinted 1976), pp. 80-82. Volume I focuses on 'white' education.

⁵⁸ CA, 1/AY 9/7, Civil Commissioner-Bell, 8/11/1833, pp. 93-94. This seems to have been a problem everywhere, see LG 9, Stockenstrom-Bell, 11?/4/1829, p. 165, for Uitenhage.

for Khoisan, free blacks and slaves.⁵⁹ In June 1829 it was reported that the Free School at Somerset had seventeen scholars, in three classes, 'not including two colored children [possibly Khoisan] who were taught distinct from the others'. Enrolment was small because some parents preferred another school where they paid fees. A 'Betchuana child' had been removed because the teacher sent him 'during school hours to the Fields to catch his Horses'.⁶⁰ The report conveys an unsatisfactory situation and the school appears to have closed, to be resuscitated later on. Six months later the Somerset school - said to have been open only a 'few days' - had thirty-five white and six free black children on its roll. Teaching materials comprised 'a few copies of the New Testament'.⁶¹

It is not clear who funded the evening school at Somerset conducted by the discharged soldier, George Aldrich, for 'coloured people': [T]hose with which I am intrusted are improving fast', he claimed. The subjects offered were 'Spelling, Reading, the Lords Prayer, the Creed, Ten Commandments, Singing, and such further instruction as there [sic] Masters may wish them to be taught'.⁶² The life of this school - for Khoisan in employment, it appears - was probably brief as Aldrich was on the move before and after this time.⁶³ Another factor was the decline

⁵⁹ In 1834 this school 'for the Heathen' attended by 80 to 100 pupils cost government L22.10 per year, SACA, 2/7/1834.

⁶⁰ CA, 1/AY 9/6, No. 163, Civil Commissioner-Bell, 16/6/1829, p. 235.

⁶¹ CA, 1/AY 8/80, Devenish-Acting Civil Commissioner, 3/12/1829.

⁶² CA, 1/SSE 8/99, Aldrich-Onkruydt, 1/6/1829.

⁶³ Philip, British Residents, pp. 3-4. Among other jobs, Aldrich had been a schoolmaster in George (1817-21).

in numbers of Somerset's 'free coloured inhabitants' after Kat River was opened to them.⁶⁴

When, in 1831, the former LMS missionary, William Corner, wished his sons to attend the Free School in Port Elizabeth, the schoolmaster referred the inquiry to government. Corner was a black man from Demerara (part of modern Guyana). He had been sent by missionaries to Scotland for his education and then to the LMS missions at the Cape where he married the sister of a well-known Khoi convert, Jan Goeyman.⁶⁵ Civil commissioner Van der Riet approached the Bible and School Commission in Cape Town for instructions but, in the meantime, he wrote: 'It is my humble opinion that the free Schools (especially at such places where there is no Slave School) are intended for all baptized children without respect to Colour.' The Commission's response must have confirmed this for, shortly, he advised Corner to apply on his sons' behalf.⁶⁶ The fact that the schoolmaster did not admit these children in the usual way, and that the commissioner was uncertain on the point, suggests that the status of children of colour vis-a-vis the free schools had not been tested in this district at an earlier date.

The teacher at the Graham's Town Free School reported in 1834: 'The Pupils are all from English Parentage, no children of colour

⁶⁴ CA, CO 411, No. 48, Memorial of William Shaw, no date (1832), p. 465: Shaw announced a reduction in the Wesleyan presence at Somerset because of this and an overall population decline.

⁶⁵ Sales, Mission Stations and the Coloured Communities, p. 59.

⁶⁶ CA, 1/UIT 15/15, Civil Commissioner-Lamont, Master of the Free School, Port Elizabeth, 10/10/1831, -Rev. McClelland, 20/10/1831 & -W.F. Corner, 20/10/1831.

whatever in the School.'⁶⁷ This state of affairs raised questions about rights possessed and yet not exercised. A correspondent in the Journal claimed: 'In this district government has made no effort to instruct the coloured classes up to this hour,' adding that their education had been left to the 'solitary missionary'. 'O.P.' rebutted: 'I have seen such children in at least one public school. If parents do not send their children, the fault does not rest with Government.'⁶⁸ When a new free school was proposed in Albany, a head count revealed 27 European children in the neighbourhood. Also:

There are several families of coloured children who, it may be hoped, would avail themselves to a limited extent of the privilege of the school; but as their attendance will be somewhat precarious I consider myself precluded by His Excellency's instructions from including them in the present report.⁶⁹

'[P]recarious' is an enigmatic word, eliding reasons for anticipated poor attendance. As will be seen, it was erratic at the mission schools as well but the causes were explained.

The larger eastern towns had church-sponsored schools additional to the government's nascent education system. Often their scope is obscure; for example, Graham's Town had a Wesleyan school attended by some seventy pupils but whether any were 'of colour' is not clear. That of the 'Independents' - the Union Chapel School - had two branches, for 'the Aborigines of the country, and the children of European parents'. By 1834 enrolment stood at 305, 'of whom 48 only are children of European parents'. This appears to have been a Sunday, not a daily school: Much scripture

⁶⁷ CA, CO 2749, No. 52, Dely-Brink, 9/4/1834.

⁶⁸ 'Philanthropos', 19/6/1836, and 'O.P.', 26/6/1834, The Graham's Town Journal.

⁶⁹ CA, CO 443, No. 110, Barrow-Smith, 3/12/1835, p. 404.

was 'committed to memory'.⁷⁰ The LMS in Uitenhage Town had a school 'exclusively for Hottentots'.⁷¹

In 1834 the Anglican chaplain of Port Elizabeth⁷² launched a plea for schools which would attach not only 'Europeans' to the Church of England 'but be hallowed even by the coloured population of Southern Africa'.⁷³ The Independents had been in the field since 1832 with a school attached to the Union Chapel⁷⁴ - the institution established on a site selected by Read in 1825 for outreach (from Bethelsdorp) to the Khoisan and slaves. Moses Constable was the teacher of this 'native school'⁷⁵ which taught the 'three Rs', and needlework for girls, to some eighty children - of all races, it has been said, the sole requirement being that they were 'decently clad'.⁷⁶ As seen above, Robson's appeal for

⁷⁰ The Graham's Town Journal, 6/1/1832 (Wesleyans), 28/11/1833 and 6/11/1834 (Union Chapel).

⁷¹ 'Papers accompanying and explaining points in Tabular View of South Africa Missions ...', CWMA, Box 12, Folder 2, 1830.

⁷² Francis McClelland was appointed chaplain in 1825. He is said to have been 'in charge of the first school that was opened in Port Elizabeth', DSAB, IV. There was, in fact, an earlier Free School, see above, and an existing mission-sponsored school, see below.

⁷³ CA, CO 433, No. 28, McClelland-Brink, 12/6/1834, pp. 90-91, & enclosures, pp. 92-96; No. 7, McClelland-Brink, 24/1/1834, p. 17. McClelland's plan was seen to compete with the claims of the government school - that to which Corner had applied - which had closed but was expected to reopen. He had earlier offered to assist the 'coloured' inhabitants by instructing prisoners, CO 421, No. 102, McClelland-Brink, 4/10/1833, p. 503.

⁷⁴ Situated on the corner of Chapel and Victoria Streets.

⁷⁵ Report by Commandant Evatt, The Graham's Town Journal, 23/1/1835.

⁷⁶ Pamela Ffolliet and E.L.H. Croft, One Titan at a Time, Cape Town: Howard Timmins, 1960, p. 62. Accounts written during the apartheid era appear anxious to emphasise the non-racial character of earlier periods but it is difficult to verify such

adjacent residential land, for uplifting persons freed from 'abject and degraded ... bondage' and tying them more closely to church and school, was given prompt support by D'Urban and Van der Riet.⁷⁷ With the foundation of the Anglican school, the children of white English-speakers began attending there.⁷⁸

The mission approach was multi-pronged: Day schools taught children the 'three Rs'; 'industrial schools' taught practical crafts; adults who had missed schooling in their youth were reached by Sunday schools and evening classes (adults in Barker's evening school paid for candles).⁷⁹ As their first aim, the missionaries wished those 'in the dark' to read the 'Scriptures of Truth', with memorising Bible texts a secondary art available to those who did no more than learn by rote. The highest goal was to raise up teachers who would carry forward mission work. Irregular attendance was the great enemy of 'progress' at the schools, especially in the case of boys removed for herding, leading wagons and other jobs (see below for missionary musings on the implications of this fact for girls).⁸⁰ The LMS missionary Kay pointed out that poor children were best served by Sunday and evening schools on account of daytime labour from an early age.⁸¹

claims, see also Eleanor K. Lorimer, Panorama of Port Elizabeth, Cape Town: A.A. Balkema, 1971.

⁷⁷ CA, CO 433, No. 40, Robson's Memorial, pp. 135-38; CWMA, Robson-LMS Directors, 9/12/1834, Box 14, Folder 2C.

⁷⁸ Ffolliet & Croft, One Titan at a Time, pp. 61-63.

⁷⁹ CWMA: G. Barker, Journal, Theopolis, 12 & 21/7/1830; Half-yearly Report, Bethelsdorp, 24/6/1834, Box 14, Folder 1C. 'Life skills', e.g., the use of savings banks, were also taught, Box 13, Folder 1B, Barker-LMS Directors, 19/7/1832.

⁸⁰ CWMA, Box 12, Folder 4A, Robson-LMS Directors, 6/1/1831.

⁸¹ Stephen Kay, Travels and Researches in Caffraria, New York: Harper & Brothers, 1834, p. 387.

In 1830, infant schools were promoted by Philip who had been introduced to them in England. The South African Infant School Institution was formed and two were launched in Cape Town

for the instruction of all classes of children between the ages of eighteen months and eight years. The Lower Infant School was formed for the reception of children "of the Poor and Slave Population" of whatever "nation or colour", and the Upper Infant School for the reception of the children of those in better conditions.⁸²

A Miss Lyndall was brought from England to run a school and train teachers. After eight months' tuition, Sarah Barker opened an infant school at Theopolis. Instruction was 'by means of objects presented to view' which Barker deemed an excellent way to 'expand the minds of the Hottentot children'. They learned best from familiar things - arithmetic, for instance, if one began, 'How many calves had you in the kraal after the last three cows calved, or How many have you left since the wolf killed two of them'.⁸³ After two years, attendance at Theopolis stood at about seventy-five, and Bethelsdorp had eighty.⁸⁴ Funding was scarce but by 1833 there were ten such schools - at missions and also in several towns - sponsored by the Infant School Institution.⁸⁵ H. C. Botha, who tells of Fairbairn's interest in the movement, notes both the struggle then to keep the movement alive and the

⁸² H.C. Botha, John Fairbairn in South Africa, Cape Town: Historical Publication Society, 1984, p. 139.

⁸³ CWMA, Box 13, Folder 1B, Barker-LMS Directors, 19/7/1832.

⁸⁴ News item, The Graham's Town Journal, 24/7/1834; CWMA: Half-yearly report, Bethelsdorp, 24/6/1834, Box 14, Folder 1C.

⁸⁵ CWMA, Box 13, Folder 3C, Philip-Ellis, 4/7/1833. 'Master Buchanan, a youth who had been educated for a teacher in the system', toured the colony for this purpose, see Kay, Travels and Researches, p. 393. At Port Elizabeth, English parents subscribed to an Infant School 'for their own children', Box 13, Folder 3A, Robson-LMS Directors, 14/1/1833.

difficulty now of knowing with any certainty how effective it in fact was.⁸⁶

The documents are contradictory on the spread of writing among Khoisan for though their mastery is recorded - thirty-two could 'write on paper' at just one 'school', Bethelsdorp, in 1834⁸⁷ - official records rarely show so much as their own signatures. According to Robson, 'Letters are becoming quite common among the young people':

A Gentleman in our neighbourhood was not a little diverted by a note which was addressed to one of his servants by a young female belonging to this Institution [Bethelsdorp]. The young man had sent her a note requesting permission to pay his addresses to her & he received the following answer - "Miss --- compliments to Mr --- & she cannot receive him as a lover, being already engaged, but will be happy at any time to receive him as a friend" - This is not the State in which Missionaries found the Hottentots!⁸⁸

Yet lists - say, of petitioners - show most signing with an 'X': Of the hundreds who took loans after the 1834-35 war, only the Bastard Groepe affirmed his bond by signing his name.⁸⁹ It may be doubted they were always given the chance to demonstrate that they could write. Moreover, by one account, Khoisan were shy to expose skills to ridicule where prejudice was evident.⁹⁰ Since an ability to write was seldom called upon in daily life or work, it must in many cases have been lost through disuse. Illiteracy

⁸⁶ For details see Botha, John Fairbairn, pp. 139-40. In 1832 the infant school, temperance society, savings bank and Graham's Town Journal were hailed as notable improvements, see letter cited by Kay, Travels and Researches, pp. 391-93.

⁸⁷ CWMA: Box 14, Folder 1C, Half-yearly Report, Bethelsdorp, 24/6/1834.

⁸⁸ CWMA, Box 12, Folder 4B, Robson-Philip, 22/12/1830, cited in Philip-Hodson, 14/1/1831.

⁸⁹ CA, LG 47, Bonds for Government Loans from the District of Upper Kat River, 22/8/1835, etc.

⁹⁰ Freeman, A Tour in South Africa, p. 24.

hindered Khoisan with respect to exercising burgher rights and irked officials: Cradock's poundmaster complained of the difficulty in getting receipts from 'Hottentots etc, who cannot write their names'.⁹¹

Language was a factor in the 'racial' separation seen in church and school. After he went to Port Elizabeth, Robson defended the fact of two chapel congregations on this account but - heading off a racial imputation - he added that a 'Mantatee, Hottentots, bastards, a German, a native of Holland, colonists and English all sit down together at the same table' at his Dutch communion.⁹² As seen, the tendency at government schools was towards segregation (although policy was colour-blind). With this de facto situation, actions which stemmed from education's close links with religion worked to reduce such 'mixing' as there was. Robson wrote:

There are not so many European children in the Sabbath School as formerly as it was announced in the Parish Church that unless the children come to the one which is held there they would not be allowed to attend the government school during the week.⁹³

Many missionaries chose to educate their children elsewhere than in mission schools. According to Sales, Barker refused to keep his with the Khoisan children at Theopolis and others were as firm. The problem was not an incapacity to learn but 'depraved' morals which were ascribed to what they heard and saw in crowded

⁹¹ CA, 1/AY 8/85, Zeiler-Campbell, 8/2/1834. This was probably in response to an attempt to eradicate corruption in the administration of pounds.

⁹² CWMA, Box 14, Folder 2C, Robson-LMS Directors, 9/12/1834. He claimed 'less prejudice against the natives' there than at any other place.

⁹³ CWMA, Box 14, Folder 1A, Robson-LMS Directors, Jan. 1834.

homes.⁹⁴ Stung when Cole commented unfavourably on the LMS missions, Philip threw himself into improving the schools to a point where missionaries were prepared to keep their offspring in the institutions in their charge.⁹⁵

The editorials and correspondence on this subject in the Cape's news sheets reveal that some had a narrow vision of the aim of education, like the colonist who complained that youths educated at Theopolis and Bethelsdorp 'make in every sense worse servants than those reared amongst the Boers, or at White Water [Enon]'.⁹⁶ Progressives sought to link education and 'upliftment' in the public mind: Supporters of the infant schools aimed at 'combating [sic] juvenile delinquency'.⁹⁷ The sequel to an execution in Beaufort District, attended by a hundred 'Hottentots and Bushmen', was described in the following terms:

Immediately after the execution, the minister addressed the colored people present, and pointing to the corpse, entreated them to take warning by what they had now witnessed, and urged them to abandon idleness, drunkenness, and the numerous other vices too many of them were guilty of ... there was a church, where they could hear the word

⁹⁴ Mission Stations and the Coloured Communities, pp. 91-92. Philip vouched for their intelligence, see Trapido, 'Emergence of Liberalism', p. 40, citing various sources.

⁹⁵ CWMA, Box 12, Folder 4B, Philip-Hodson, 14/1/1831. When plans for a seminary failed, Philip came to see it as a bad idea which would tend to 'diminish their interest, already too small, in the schools of the institutions'. Cole's remarks were deeply resented, and precipitated a reshuffle of mission personnel as well as strenuous efforts to improve housing, education, etc., CWMA, Box 12, Folder 4B, Philip-Hodson, 14/1/1831 & Box 13, Folder 1B, Philip-Clayton, 3/7/1832.

⁹⁶ 'O.P.', Correspondence, The Graham's Town Journal, 26/6/1834.

⁹⁷ Botha, John Fairbairn, p. 139.

of God, and a school, where they could receive instruction
....⁹⁸

Education was still haphazard, especially in the country districts. This was a circumstance affecting all.⁹⁹ However, in education as in other spheres, the consciousness of difference led to differential treatment of subordinate groups which had been racially or ethnically defined.

The foregoing had to do with the instruction offered formally by 'schools'. Article 13 of Ordinance 50 dealt with 'education ... by apprenticeship'. This is discussed below.

Workers and taxpayers

Old habits of coercion died hard. In 1831, Van der Riet of Uitenhage admonished Port Elizabeth's field cornet 'to be particularly cautious in future in the pressing of servants'. It is undoubtedly significant that the Khoi Frederick's impressment became known to him through the intervention of Henry Nourse, a member of the mercantile elite whose links with humanitarians were still intact (that is, not weakened as they soon would be by the 1834-35 frontier war).¹⁰⁰ Duly believed that district officials charged with administering Ordinance 50 had little

⁹⁸ The Graham's Town Journal, 19/6/1834. An equal number of others (200 in all) had been present at the execution. See Spierenburg, The Spectacle of Suffering, esp. pp. 54-66.

⁹⁹ Malherbe, Education, I, p. 80.

¹⁰⁰ CA, 1/UIT 15/15, Civil Commissioner-Nourse, 23/8/1831. For the mercantile-humanitarian nexus, see Keegan, Colonial South Africa, Chap. 5.

knowledge of its effectiveness;¹⁰¹ furthermore, proponents of a vagrancy law failed to grasp how a more effective

administrative reform would have been that of sending clerks of the peace and resident magistrates on circuits throughout their districts to notarise contracts, explain the law, try wrongdoers and provide government with accurate information on the nature of Khoikhoi-European relations.¹⁰²

The one-month oral contracts which the ordinance sanctioned saved both parties 'trouble and expense' and, he suggested, preserved 'a degree of flexibility and perhaps even power' in the negotiation process.¹⁰³ Assuredly 'trouble and expense' deterred farmers distant from the drostdy towns from entering into longer term written contracts, and such evidence as exists points to the Khoisan's preference for short term contracts. Bowker gave a (disgruntled) settler view that Albany Khoisan seldom worked 'above a week' at a time. Farmers were best served, he asserted, by bailing out the prisoners awaiting trial because, pending the circuit court's arrival, they were assured of labour 'for a certain time'.¹⁰⁴

¹⁰¹ Duly wrote: 'It would seem logical that if the clerk of the peace and the resident magistrate were the major officials involved in the administration of the contract system, their records should tell us a great deal ... However, the contrary would seem to be true,' 'A Revisit with the Cape's Hottentot Ordinance', p. 36.

¹⁰² 'A Revisit with the Cape's Hottentot Ordinance', p. 38. The slave protector reported that field cornets found catering for itinerant officials extremely onerous, CA, SO 3/20a, Rogers-Bell, August 1829.

¹⁰³ 'A Revisit with the Cape's Hottentot Ordinance', p. 36.

¹⁰⁴ Correspondence, The Graham's Town Journal, 6/11/1834. Duly says: 'For the Cape as a whole, the average detention in jail before trial ... was 105 days', 'A Revisit with the Cape's Hottentot Ordinance', p. 40. His thoughts regarding power relationships where oral contracts were entered into are likely to remain speculative.

Missing from Duly's strictures is reflection on the fairness of the contract system per se. Miles has identified six forms of unfree labour, of which two - contractual servitude and contract labour - are superficially alike.¹⁰⁵ But where the latter requires a money wage, the former does not. He defines contractual servitude thus:

The central feature of this form of unfree labour ... lay with the contract itself which bound by legal means the labourer to the non-labourer for varying periods of time (up to five years) and which thereby obstructed the commodification of labour power. By alienating labour power to another person for a specified period the labourer no longer possessed his/her labour power as an object of private property, and during that period had no access to a labour market. The relations of production established by and in the contract were reinforced by politico-legal means because breaches of contract were defined as criminal offences.¹⁰⁶

The state actively supports unfree relations of production - by the suppression of resistance, among other means.¹⁰⁷ In passing, Miles remarks: 'Evidence concerning [contractual servitude] is sparse in the case of South Africa'.¹⁰⁸

The number of contracted workers employed for above a month was small according to the hire contract records for Uitenhage where

¹⁰⁵ Robert Miles, Capitalism and Unfree Labour, Anomaly or necessity?, London & New York: Tavistock Publications, 1987, pp. 171-76.

¹⁰⁶ Miles, Capitalism and Unfree Labour, pp. 173-74. Duly notes that 'disputes over wages were considered civil cases, whereas misbehaviour and contract violations by the servant were considered criminal acts', 'A Revisit with the Cape's Hottentot Ordinance', p. 36.

¹⁰⁷ Miles, Capitalism and Unfree Labour, pp. 181-84.

¹⁰⁸ Capitalism and Unfree Labour, p. 173.

317 contracts were signed from September 1828 to July 1834.¹⁰⁹ These comprised fifty-five concluded in 1828, eighty-seven in 1829, and smaller numbers in succeeding years. Since many were for six months only, or for shorter periods, it follows that few were in force at any given time. Uitenhage Town accounted for a large proportion and numbers declined roughly according to distance from this centre. In every ward but one, Khoisan outnumbered other categories (chiefly Xhosa - styled 'free persons of colour of the Caffre Tribe' - or 'Mantatees').¹¹⁰ Graaff-Reinet averaged around a hundred contracts annually for the years 1829-1831.¹¹¹ More twelve-month contracts seem to have been entered into but, there too, the system worked best in the drostdy town. A very few free blacks and Bushmen were included among the 'Hottentots' contracted in that district.

More men than women were contracted. Where the employee brought 'his or her Family' along, the names of spouses ('lawful' or 'reputed') and any children were written down: According to Article 5, these family members were also to be supplied with 'Lodging and sufficient Food of good and wholesome quality, during the continuance of such Contract'. Article 8 protected the dependants of contracted men from old habits of exploitation: A wife could only be bound to labour by a contract 'executed by

¹⁰⁹ CA, 1/UIT 14/11, Contracts of Hiring and Service for Hottentots and other free Persons of Colour, 1828-34. Hire contracts for the other districts have not been found.

¹¹⁰ The exception was the Under Bushman's River ward where 16 Xhosa were contracted and just three Khoisan. Duly points out the anomaly whereby the 'same book was sometimes used to record both Khoikhoi and Xhosa contracts' even though the latter required 'both passes and contracts' and were not covered by Ordinance 50, 'A Revisit with the Cape's Hottentot Ordinance', p. 53, n. 5.

¹¹¹ CA, 1/GR 15/49 (Sept. 1828-Dec. 1829); 1/GR 15/50 (Jan.-June 1830); 1/GR 15/51 (July 1830-Dec. 1831): Contracts.

her'.¹¹² When Arnoldus Frolic (Vrolyk) sued a farmer for non-payment of wages, additional amounts were owed his wife and son.¹¹³

Most men were hired as 'labourers', and women as 'housemaids'. Wages were usually expressed as cash but some as livestock or clothes, or these and cash combined, with food and lodging factored into the remuneration. Nothing like a standard rate is evident: A man employed as post rider in Uitenhage was paid 4/6 (Rds 3) per month; another received a suit of clothes at half term and 7/6 (Rds 5) per month for six more months. The twelve-month contract of Saphier Elias, a baker, for 9s (Rds 6) monthly illustrates the superior earning power of those with skills (it is doubtful if he was Khoi).¹¹⁴ Read cited Rds 5-6 per month as average near Bethelsdorp - and thought that if more Khoisan left for the Kat River, wages might improve.¹¹⁵ The average cash wage in Graaff-Reinet cannot have been more than 3s (Rds 2) per month with numbers paid in goats or clothes. Work with hawkers or butchers from the western Cape afforded rare openings for a few. When the saddler and hunter (later, road builder) Andrew Geddes Bain hired men for his shooting trip in 1829, wages were negotiated individually: 4/6 (Rds 3) a month for Afrikaner

¹¹² As noted (Chap. 8), the women's wage agreements show ongoing undervaluing of their labour; where they worked for a husband's employer they were appended to his contract (see CA, 1/UIT 14/11, e.g. Nos. 109, 114, 309 & 310, and 1/GR 15/49-51). Children were further protected by Art. 10.

¹¹³ CA, 1/AY 6/24, Civil Cases, No. 208.

¹¹⁴ CA, 1/UIT 14/11, see Nos. 50, 76, 135, 302. Ruiter Bukland, post rider in Graaff-Reinet, received 3s (Rds 2) per month plus clothing after nine months, 1/GR 15/49, 12/3/1829.

¹¹⁵ CWMA, Box 11, Folder 3E, Read-Miles, 9/10/1829.

Danzer, labourer;¹¹⁶ 1/6 (Rd 1) a month plus leather clothes for Ruiter, wagon leader; 6s (Rds 4) a month plus three tanned sheep skins to make trousers for Hans, leader and driver.¹¹⁷

The evidence for wages paid in Uitenhage and Graaff-Reinet raises a question with respect to those reported for Albany in 1834: Campbell claimed that wages ranged from Rds 5 (7/6) to Rds 14 (L1/1/0) per month, with wives and children also housed and fed.¹¹⁸ These exceed wages recorded anywhere else on the eastern frontier:¹¹⁹ What Philip saw as underpayment ('the rate of wages, in many parts of this colony, is not higher than 18 rix dollars per annum'),¹²⁰ Van Ryneveld explained as due to the circumstance that few Khoisan 'know the value of money or would work better for higher wages'.¹²¹ Although significant discrepancies prevailed, the upper end of Campbell's scale appears extravagant: Arnoldus Frolic who sued for unpaid wages (mentioned above) worked for Rds 5 per month, his son for Rds 3, and his wife for much less.

¹¹⁶ This was probably his 'trusty and well-beloved Hottentot squire Afrikander', see Margaret Hermina Lister ed., Journals of Andrew Geddes Bain, Cape Town: The Van Riebeeck Society, 1949, p. 49, n. 77.

¹¹⁷ CA, 1/GR 15/49, 19/1/1829, 11/2/1829 & 23/2/1829.

¹¹⁸ CA, LCA 6, Campbell-Acting Secretary, 11/7/1833 [sic - 1834].

¹¹⁹ See e.g. Moodie, Ten Years in South Africa, p. 328, for wages near Swellendam comparable to those in Uitenhage.

¹²⁰ BPP, No. 538 (1836), Memorial, 10/6/1834, p. 730. In 1830 Cole reported that wages had fallen to 1/6 per month due to the operation of Ordinance 49, CA, GH 23/9, No. 46, Cole-Murray, 18/7/1830, p. 301. This is just half of the Rds 3 per month (without clothes) complained of in the Caledon area, CO 421, No. 138, Philip-Wade, no date, pp. 619-20.

¹²¹ CA, LCA 6, van Ryneveld-Acting Secretary, 28/6/1834.

Frolic's suit evokes Duly's point that servants' wage claims were 'considered civil cases, whereas misbehaviour and contract violations by the servant were considered criminal acts'. Duly found no examples in the circuit or supreme court records of claims above L10, which was the limit for the lower courts.¹²² There can be small wonder over that, wages being what they were. More notable is that such cases appear rarely in the records kept by magistrates. The combined claims of Frolic, his son and wife were for L3.1.6, while costs amounted to L2.6.6. Article 24 of Ordinance 50 provided that Khoisan servants too poor to bear legal costs should be assisted 'Pro Deo' - as was done in Frolic's case.¹²³ If the suit succeeded, costs were assigned to the defendant; if, on the other hand, the suit was lost (being 'vexatious or untrue') the plaintiff worked expenses off in prison, by hard labour, during fourteen days or less.

Ordinance 50 was detailed in the protections afforded children who would formerly have been indentured in terms of the proclamations of 1812, 1819 and 1823 (this last referring to the children of Prize Negresses).¹²⁴ Even so, the stipulation (Art. 12) that indentures of apprenticeship must 'duly provide for the ... instruction of every such Apprentice' appears too vague for adequate enforcement. David Springveld, who was indentured to a blacksmith, defended himself against a charge of desertion with the claim that he was not instructed in his trade. The magistrate, however, found that he had 'made considerable

¹²² 'A Revisit with the Cape's Hottentot Ordinance', p. 36 & n. 42, p. 52.

¹²³ Spogter Kivit paid L1-13-9 in costs to sue a farmer for six goats, CA, 1/AY 6/29, No. 213, 1833. For an explanation of the normal process, see 1/UIT 15/55, Resident Magistrate-Cuyler (Jr), 29/8/1832.

¹²⁴ For the execution of this ordinance, see CA, 1/UIT 14/13, Contracts of Apprenticeship by Parent of Hottentot or Free Person of Colour, June 1829-November 1847.

progress'. His evidence that he reaped corn, milked cows, and performed other chores was deemed not 'a sufficient infringement' to excuse his conduct, therefore Springveld was admonished and returned to his employer.¹²⁵

The fact that apprentices were used as servants insofar as they were put to other tasks outside the times that 'masters' allocated to instruction was a point of contention. When the government proposed to amend Ordinance 50 so as to extend the age to which parents might indenture their children (from eighteen to twenty-one in the case of males) this was opposed by some Kat River men. They argued that this provision could be abused 'by Burghers who are certainly able to teach their trades but who do not work much at them themselves or have little to do - so that the apprentice is employed for other purposes than his trade', and asked for a heavy fine where this occurred. If training required more time, there was the option of an annual contract after the apprentice turned eighteen: Protection was not assured by giving parents the final say as they 'in general are incapable of acting therein with any degree of efficiency'.¹²⁶ As seen in the case of David Springveld, magistrates were inclined to condone practices which these petitioners opposed, such as the use of apprentices 'for other purposes'.¹²⁷

¹²⁵ The Graham's Town Journal, 13/4/1832, Magistrate's Court, Graham's Town.

¹²⁶ CA, GH 8/2, Stockenstrom-D'Urban, 16/1/1837, enclosing petitions dated 12/12/1836 & 10/1/1837, pp. 68-75; GH 1/115, No. 1741, Glenelg-D'Urban, 27/7/1837, pp. 50-51, withholding the home government's consent pending further information. Fourteen men signed the Philipton memorials. Visagie represents the parents as too ignorant ('te onkundig was') although this is not clearly meant by the reference to 'efficiency', 'Die Katriviernedersetting', p. 188.

¹²⁷ Visagie cites the case of Christiaan Allembrein of Uitenhage, 'Die Katriviernedersetting', p. 187. This Khoi was evidently above the age of 18 and said to want a four-year

`Apprenticeship' was of two sorts: Free persons of colour and `Hottentots' who were orphaned or left destitute¹²⁸ could be indentured by the state (Articles 13-14); also, a parent had the right `to apprentice out any of his or her Children for the term of seven years' (Article 12). In Graaff-Reinet, eighty children - Khoisan, with a few `Bechuana', `Corana' and others - were indentured by the magistrate and thirty-two presented by the parents between 1828 and 1835.¹²⁹

Iannini observes that `Khoi and other "free people of color" ...used apprenticeship to regain control of their children'.¹³⁰ In 1834 the Khoi, Anna, requested that her three children - the youngest an infant, the eldest seven - be apprenticed to the burgher P. J. Bekker because the field cornet was threatening to remove them. The fact that Anna (in company with Bekker's wife) exercised the option of indenturing her children does not rule out complicity by field cornets with burghers to achieve this result. In reporting the case, the clerk of the peace withheld his own opinion and left space for a ruling against these

contract with a farmer `for the purpose of learning that trade'. The governor asked the magistrate if this were true, and ruled that he could not `set aside the Law as provided in Sect. 5' of Ordinance 50, CA, CO 4327, No. 517, 29/8/1833.

¹²⁸ That is, `Males, below the age of eighteen, and if Females, below the age of sixteen years'.

¹²⁹ CA, 1/GR 15/76, Indenture of Orphans, and 1/GR 15/77, Indenture by Parents. These figures do not correspond exactly with those in 1/GR 15/72, Indentures of Apprentices, 1828-54.

¹³⁰ `Contracted Chattel', p. 87.

contracts, which he would have the duty to enforce.¹³¹ At best, this is ambiguous evidence in support of Iannini's point.¹³²

Pique with regard to the Khoisan's new liberties provoked some colonists to state that they no longer cared to keep them, whether 'by kindness or severity'.¹³³ Prospects with respect to slaves were also bleak. 'Dutch' farmers resented the ban - introduced with the British settler scheme - on slave labour for the 'cultivation of all grants of land made by Government since 1820'.¹³⁴ The ban applied only after title was received (to this extent, delays were welcome) but proprietors foresaw a day when they had either to 'abandon their Land, or to part with their slaves'.¹³⁵ Then came the news that slaves were to be freed. Asked to assess the labour outlook in this light, a Somerset official replied: 'Few Hottentots (comparatively) are to be found here - where there are any the complaints against them continue as usual, but all these things go and come like the seasons'.¹³⁶

¹³¹ CA, 1/UIT 16/59, Clerk of the Peace-Bell, 21/7/1834, pp. 162-63.

¹³² Art. 12 set a maximum but not a minimum age for child apprentices. Anna's children's youth (one an infant) mocks 'apprenticeship' as a period of tutelage in useful arts.

¹³³ CA, LCA 6, Campbell-Acting Secretary, 11/7/1833 [sic - 1834].

¹³⁴ Slaves employed in personal service were legal in Albany and the small slave population there was increasing prior to emancipation. See CA, 1/AY 9/61 for annual reports to the Protector of Slaves, 1829-1834.

¹³⁵ CA, 1/AY 9/6, No. 7, Campbell-Bell, 27/1/1832, p. 492. For a memorial requesting erasure of the 'restriction relative to Slave Labor' from survey diagrams in Somerset, see 1/AY 8/83, Buys-Campbell, 16/8/1832.

¹³⁶ CA, 1/AY 8/55, Assistant Civil Commissioner (Somerset)-Civil Commissioner (Albany), 19/11/1834.

For all the simmering animosities it appears that violence in the workplace declined. As the magistrate of Albany explained, servants who proved ill-treatment could be released from contracts after Ordinance 50 (Art. 22).¹³⁷ No assaults on Khoisan servants appear among the criminal cases tried in Albany before the second circuit in 1834 (for servants accused of assaulting their 'mistress', see below).¹³⁸ Near Fort Beaufort, colonists (Nicolaas Rensburg was one) were charged with beating Khoi but whether in a master-servant context is not clear.¹³⁹ In Uitenhage, Johannes Marthinus Scheepers - apparently the man found guilty of assaulting Jacob Jacobs several years before - was fined for beating his slave.¹⁴⁰ It is not clear if violations beyond the boundaries were punishable on return: When Bain discovered his driver, Hans, drunk for the second time, he 'had him tied to the wagon wheel & made each of my people give him 4 lashes in presence of several of the natives'.¹⁴¹

¹³⁷ CA, 1/AY 8/85, Waddel-Campbell, 28/1/1834. A Paarl colonist complained that were he to act as in the past and give a Khoi 'what we Africans call a good clout on the head' he would be obliged to pay a fine, De Zuid-Afrikaan, 13/3/1831 (my thanks to Andrew Bank for this reference).

¹³⁸ CA, CSC 1/2/1/14, Albany, October 1834. Two British settlers were acquitted on a charge of arson where Khoi huts were burned. See case No. 24. Likewise, Dutch farmers were acquitted on charges of murder, culpable homicide and assault involving Xhosa. See Nos. 20 & 25. For Elizabeth Salt's charge of assault against two Khoi servants (below), see No. 19.

¹³⁹ CA, 1/FBF 1/5/1, Book of Informations (see No. 1 for Rensburg).

¹⁴⁰ CA, CSC 1/2/1/14, Uitenhage, Case No. 11; CO 429, Report by Assistant Protector of Slaves, Table J, Case No. 11, 13/12/1833.

¹⁴¹ Lister ed., Journals, 'Journey to the Umzimvubu River, 1829', p. 106. No sequel to this has been found.

As noted, the opgaaf was the principal tax.¹⁴² The aged, indigent and infirm memorialised the governor, or approached the civil commissioner for exemption from this levy on farm stock and produce. Since these officers toured the districts personally to collect the tax, they were deemed able to judge the worthiness of such appeals.¹⁴³

With expenditure regularly exceeding revenue raised in the colony, governors were under pressure to devise new formulae to bring in funds. Ordinance 57 of 1829 introduced a 'Personal Assessment' (or capitation tax) of 6s (Rds 4) per annum on males over 16 and unmarried or widowed women over 20.¹⁴⁴ Income above L30 'not derived from Farming Stock or Produce, on which Opgaaf is payable' was taxed under this ordinance. Initial payments fell due on 1 January 1830.¹⁴⁵ Very soon, Van Ryneveld of Graaff-Reinet expressed concern that Khoisan who, as free persons in terms of Ordinance 50, were liable to this tax were slipping through the net. Wardmasters in the town were instructed to list all such

¹⁴² 'Wagons, carts and Horses used for agricultural purposes' were taxed 'for enabling Government to defray the hire of transport', CA, GH 23/10, No. 8, Cole-Goderich, 4/3/1832, p. 18. Ordinary inhabitants were subject to levies such as the stamp tax, while merchants paid various duties. See Bird, State of the Cape of Good Hope in 1822, pp. 81-87.

¹⁴³ See e.g. CA, 1/UIT 15/14, Van der Riet-Missionaries of Bethelsdorp, Pacaltsdorp & Enon, 29/1/1830, 9/3/1830 & 5/5/1830 & -Field Cornet, Uitenhage Town, 11/2/1830; LG 7, Persons belonging to the Missionary Institution of Theopolis liable to pay Opgaaf (c. 124 names), c. 1831, pp. 36-39.

¹⁴⁴ Among those exempted were 'Free Male Servants': A tax was levied on employers to cover them.

¹⁴⁵ See esp. Articles 7, 8 and 11 of Ordinance 57, 5/3/1829, Harding, Cape of Good Hope Proclamations . . ., pp. 14-19. This tax was in lieu of the old commando tax.

persons, whether they were under contract or not.¹⁴⁶ Washerwoman Mietje's wages were docked to pay the tax - though whether by her wish or by garnishee is not reported.¹⁴⁷ In 1832, Cole advised that the capitation and the income taxes both had failed. Most persons who were liable

such as Hottentots, free Blacks and the idle and improvident of all descriptions, are either not to be found, or where found, are unable to pay the costs of prosecution for so small a sum as six shillings.¹⁴⁸

The Khoisan and the slaves

The news, in 1833, that the slaves were to be freed increased the colonists' discontent and gave fresh impetus to pressures for a vagrancy law.¹⁴⁹ Others besides Philip maintained that, prior to Ordinance 50, the Khoisan had been worse off than the slaves. Inveighing against the law drafted in 1834 which, in his view, would reduce them to their previous low state - and reduce the freed slaves to that state as well - Philip inquired: '[C]an we suppose that England will pay 20,000,000 l. [sic] to the slave

¹⁴⁶ CA, 1/GR 16/47, Circular to wardmasters & Field Cornet H.P. Coetzee, 24/8/1830; Civil Commissioner-Clerk of the Peace, 4/9/1830; Advertisement, 10/9/1830. Campbell had recently proposed a graduated tax 'on the ground of commutation for labor', of 3s/annum 'on every free male inhabitant of the District who is by law subject to Capitation Tax ... excepting all Persons under Contract of Service for 12 months', and on farms, erven, and certain wagons, 1/AY 9/6, No. 39, Civil Commissioner-Bell, 26/3/1830, p. 318.

¹⁴⁷ CA, 1/GR 15/51, Mietje and F. Schreiber, 21/9/1830.

¹⁴⁸ CA, GH 23/10, No. 8, Cole-Goderich, 4/3/1832, p. 21. Cole opposed a tax on slaves, arguing that taxes on the products of labour were more successful than those on labour, whether it was productive or not, p. 20.

¹⁴⁹ For numbers of slaves in the eastern frontier districts as of 30/11/1834, see CA, CO 4381: Albany, 95 Male, 118 Female (213); Beaufort, 299 M, 290 F (589); Graaff-Reinet, 1283 M, 1032 F (2315); Somerset, 925 M, 892 F (1817); Uitenhage, 727 M, 672 F (1399).

proprietors, and see the slaves placed in a worse condition than they were before?'¹⁵⁰

Khoisan and slaves cohabited under conditions like those in the eighteenth century which Robert Ross has (briefly) described.¹⁵¹ Van der Spuy posits that 'for many slaves, the most attractive family strategy was ... to find a partner who was free and therefore less vulnerable to the whims of the slaveholder'.¹⁵² Relationships were difficult to sustain when partners lived on different farms, a slave was sold, or the 'free' partner was discharged. However, the slaves had gained a 'Protector' to whom they could report ill-treatment. In 1829 a Somerset slave complained that Joachim Prinsloo would not let him on the farm to visit his Khoi wife: Afterwards he arrived to find a Xhosa servant in Anna's hut and was injured in the ensuing fracas. Van der Spuy cites examples of murderous rage when spouses separated in this way were discovered in infidelities.¹⁵³ Moodie believed the law did not compel slave owners to honour unions, thus protectors were confined to appealing to 'feelings of humanity and prudence'.¹⁵⁴ Some took a stronger line: When the slave Joseph demanded that Alet live with him where he worked, his mistress was reminded of the 'impropriety of separating man and wife' and advised to take the woman into service. The unfreedom of slaves

¹⁵⁰ BPP, No. 538 (1836), 'A Colonist' (Philip), 14/5/1834, p. 725 (addressed to the editor, SACA).

¹⁵¹ Cape of Torments, Slavery and Resistance in South Africa, London: Routledge & Kegan Paul, 1983, pp. 46-47.

¹⁵² 'A Collection of Discrete Essays', p. 118.

¹⁵³ CA, 1/SSE 12/2, Complaints made by Slaves, 1/8/1829 & 12/3/1830; van der Spuy, 'A collection of discrete essays', p. 68.

¹⁵⁴ CA, 1/GR 17/16, Moodie-Assistant, Somerset, 10/1/1833, pp. 68-69. See also Moodie-Widow van Heerden, 14/12/1833, pp. 152-53.

was painfully impressed on one when his Khoi wife left him and took their children: Africa's request that she be made to return was refused on the grounds that she was 'free' and 'at liberty to go where she pleased'.¹⁵⁵

Though some struggled to preserve their unions, slave-Khoisan relationships were as prone to discord as any others - as the last example shows. Protectors depicted themselves as making peace where they could. One pair, said to have battled noisily for two to three hours, was reconciled. The slave, Flora, made up her differences with Booy Geswind who, she said, violently abused her.¹⁵⁶ Whatever the truth of the perception that Khoisan seldom testified against each other, the Somerset Protector's Day Book suggests that this sort of solidarity was rarer between them and the slaves. In one case, 'Hottentots' defended a farmer against a slave girl's charge respecting punishment, saying it was deserved because she 'threw a turtle into the pot' of food she was preparing for them.¹⁵⁷

The San

As noted, Ordinance 49 included 'Bushmen' across the boundary among the 'tribes' of foreigners whose access to the colony

¹⁵⁵ CA, 1/SSE 12/2, 3/3/1829 (Africa) & 5/12/1831 (Joseph). For further examples, which show that slaves had no rights where such marriages were concerned, see John Edwin Mason Jr, 'Fit for Freedom', The slaves, slavery, and emancipation in the Cape Colony, South Africa, 1806 to 1842', Ph.D. dissertation, Yale University, 1992, pp. 482-85. According to Shell, 'by 1831 only three legal - that is, Christian - marriages had been solemnized among 35,000 slaves', Children of Bondage, p. 321, citing William Wright, Slavery at the Cape of Good Hope.

¹⁵⁶ CA, 1/SSE 12/2, 23/11/1829 & 9/8/1833. In another case, violence by a Khoi husband, while drunk, against his slave wife was punished by a month's jail, 29/4/1830.

¹⁵⁷ CA, 1/SSE 12/2, 23/9/1828. In another case the Khoi Kaatje supported the (freed) slave Juliana against her 'master', 12/6/1829.

should be by way of passes and contracts. Those domiciled within the colony were styled 'free persons of colour', to whom the 50th ordinance applied.

In 1830 the field cornet of Tarka reported ninety-eight horses stolen in his ward and predicted that the Bushmen 'will get the upper hand of us' if they should be allowed to carry on. Five men were shot by a patrol. It was said these Bushman had killed horses, made hut covers of their skins, and fed the horsemeat to their dogs. More shots were exchanged, more persons killed, some prisoners taken, and a kraal destroyed before the field cornet was satisfied that he was in control.¹⁵⁸ Stockenstrom defended the proceedings of field commandant Van Wyk and others with the words 'that occasional examples of severity are indispensable to render the Frontier at all habitable' - for whom, he had no need to add.¹⁵⁹

For those accustomed to see Bushmen as labour power to be harnessed, or enemies to be destroyed, the measures introduced in 1828 embodied alien concepts. In 1834, Uitenhage farmers who acquired twelve Bushmen and ignored the process specified by Ordinance 49 were fined L5 a head (L60). Later, responding to their petition, the magistrate reduced the fine: They were 'poor people, and live far from Town' (accounting for their ignorance of the law?). The Bushmen, he found, were rescued from 'distress', were 'kindly treated', and had no wish to be discharged.¹⁶⁰ Nothing in this hearing showed the situation as it

¹⁵⁸ CA, 1/AY 8/81, Pretorius-Campbell, 4/8/1830 & 10/8/1830, and Steenkamp-Campbell, 3/10/1830. See also 1/GR 11/36, Clerk of the Peace-Civil Commissioner, 23/11/1830.

¹⁵⁹ CA, CO 373, No. 36, Stockenstrom-Bell, 13/7/1830, p. 337.

¹⁶⁰ CA, 1/UIT 15/55, Resident Magistrate-Secretary to Government, 14/5/1834; 1/UIT 16/59, Pieterse-Clerk of the Peace, 28/6/1834, pp. 167, 168-71. See also sworn affidavit by W.P.

was - the culmination of a charge that these same farmers had abducted thirty Bushmen a few months before.¹⁶¹ The capture of free San for labour was excused when the officials deemed it - ex post facto - for the captives' good. Contracts, on the other hand, were not discretionary: With that the captors must be made to conform.

Beyond the borders, LMS missionaries continued to complain that farmers moved their livestock into San hunting grounds, failed to provide promised gifts of stock, and forced the mission people to become their servants.¹⁶² LMS missions to the San were closed or in decline. In 1830 Stockenstrom reported that farmers who offered to establish San kraals on their farms and 'give them Stock to breed from' were reneging because 'so many Blacks' were prepared 'to work hard for nothing but food'.¹⁶³ The diaspora of dislocated persons both within the colony and beyond was a factor in the failure of well-intended plans.

Shiloh, the Moravian mission to the Thembu on the Klipplaat River, had some San children in its school.¹⁶⁴ In 1833, families

Meyer before Campbell regarding the capture of San children by Boers, 1/AY 8/85, 8/2/1834.

¹⁶¹ CA, 1/AY 8/84, Armstrong-Campbell, 1/11/1833. This letter in which Armstrong reported several such incidents may have been influential with regard to his appointment as a JP (see Chap. 9). For the investigation set in train in Uitenhage, see van der Riet-Campbell, 18/11/1833.

¹⁶² CA, 1/AY 8/81, Clark & Kolbe-Campbell, 13/10/1830; LG 12, No. 31, Stockenstrom-Secretary to Government, 24/3/1830, pp. 26-27.

¹⁶³ CA, LG 12, No. 31, Stockenstrom-Secretary to Government, 24/3/1830, p. 29.

¹⁶⁴ Kruger, Pear Tree Blossoms, p. 192. Klipplaat was renamed Shiloh in 1831, CA, CO 398, No. 47, Hallbeck-Bell, 29/4/1831, p. 352.

were allowed to reside 'for a limited time' and a missionary observed:

One of the Bushmen fell sick and we had an opportunity of seeing how these poor people are sunk in superstition. The patient sent for an old woman to dance for his recovery. He pretended that the sorceress had brought a pair of antelope horns out of his head by which his pains had been mitigated. We represented to him how foolish and useless such ceremonies were, and directed him to Jesus as the only Physician of soul and body; which seemed to make him thoughtful.¹⁶⁵

Kay of the LMS witnessed a trance dance when sick 'Hottentots' approached some 'Bushmen' for a cure. Convinced at first that the singing, clapping dancers must be drunk, he fathomed the ceremony's purpose when one fainted, falling heavily. In this case the cure seemed not to work, affording Kay a welcome chance to warn them of their foolishness.¹⁶⁶

The missionaries of various denominations reached out to 'Bushmen' and protested their oppression. But for Christian teachers, the belief and practice of the San had no validity at all - not even if their interventions were effective, as the Shiloh shaman's was.¹⁶⁷ Oppression and culture were the jaws of the vice to which Kay referred when he wrote: 'The real condition, civil as well as moral, of this troglodytish race is

¹⁶⁵ CA, A 1129, Extracts relating to Moravian Missionary Society, Diary, Shiloh, 14/2/1833.

¹⁶⁶ Travels and Researches, pp. 405-06. Kay tells also of the trial of Dampies, a 'Hottentot magician' called in by a farmer of Graaff-Reinet to cure his gout and convicted for extreme cruelty to a slave whom he accused of witchcraft. Kay asked why the farmer was not also charged, pp. 368-69.

¹⁶⁷ For the evangelising Protestant missions' concern with 'tyranny', construed not only as slavery but also as paganism, see Hugh Honour ed., The Image of the Black in Western Art, Harvard University Press, 1989, Pt. IV, 'From the American Revolution to World War I', Vol. 1, 'Slaves and Liberators', p. 174.

truly deplorable'.¹⁶⁸ When Methodist missionary Ayliff saw San among the prisoners in the Somerset jail, he said: 'The Bushmen presented a horrid picture of depraved human nature'. What made them so is unexplained, where some were pointed out as San and others as 'Hottentots' or slaves.¹⁶⁹

The Temperance Movement and the Khoisan

By the nineteenth century the Khoisan were notorious for alcohol abuse - a very public scandal among the 'lower orders' by and large¹⁷⁰ but one ascribed relentlessly to them as a 'class'. The editor of The Graham's Town Journal was (predictably) enraged by the news that, at Kat River, it was alleged that 'canteens were brought here by the English, to ruin us ...'. In response he charged that 'the increase of such houses must be entirely attributed to the degraded and inveterate habits of the coloured classes, and to their excessive predilections for ardent spirits'.¹⁷¹ The great majority of colonists would have agreed.

Remembering Genovese upon this subject - 'Southern whites had a genius for attributing their own faults to the slaves'¹⁷² - one struggles to gauge the grounds for stigmatising the Khoisan as drunkards. It has been said that Europeans

¹⁶⁸ Travels and Researches, p. 401.

¹⁶⁹ Hinchliff ed., John Ayliff Journal, p. 91. Two 'Bush Boys' pleased him by reciting the Ten Commandments and the Lord's Prayer.

¹⁷⁰ This was still the case at the end of the century, see Jennifer Pearce, 'The Origins of the Temperance Movement in Cape Town in the 1880's', B.A. (Hons), University of Cape Town, November 1985, Title page, p. 2, and passim.

¹⁷¹ News item, 18/9/1834. Godlonton acknowledged that many ran canteens from a 'sordid desire to acquire money', without regard to morals.

¹⁷² Roll, Jordan, Roll, p. 645.

tended to see in occasional raucous behavior evidence of excessive drinking and the potential for rampant alcohol abuse ... and licentiousness in language ... European notions of racial character and inferiority further distorted descriptions.... Much of the scientific evidence of the effects of alcohol on blacks and black communities cited in the southern African literature must be read and interpreted as elements of a white discourse about racial difference, making objective investigation of the rates and effects of alcohol consumption extremely problematic.¹⁷³

This passage refers to the traditions of 'black' Africans with regard to alcohol consumption, and the errors to which Europeans have been prone when reporting on their social life. Less is known concerning the production and consumption of strong drink by the aboriginal Khoisan but the Europeans' notion of their 'racial character and inferiority' is likely to have led to similar distortions, from the earliest times.¹⁷⁴ By the 1830s most Khoikhoi and many San were proletarianised, their customs lost or bastardised, and their condition analagous to that of 'the working class' elsewhere.

In general terms, Keith Thomas attributes the self-destructive habits of the poor to diet and the hopelessness of stunted lives.¹⁷⁵ Where these conditions last, unchanged, middle-class reformers wage an uphill battle, sceptics ridicule the failure of their schemes, and the stratum of habitual drinkers becomes the focus of contempt and caricature. Some Khoisan - often, those who admitted to having been drunkards themselves - acknowledged the prevalence of alcoholism which they blamed on being 'fed and

¹⁷³ Crush and Ambler eds, Liquor and Labour, pp. 6, 9.

¹⁷⁴ For an occasion when the Dutch lured some Khoisan to drink to excess and ridiculed the results (Ascension Day, 6/5/1660), see H.B. Thom, Journal of Jan van Riebeeck, Cape Town: A.A. Balkema, 1958, III, p. 215.

¹⁷⁵ Religion and the Decline of Magic, London: Weidenfeld & Nicolson, 1971, pp. 17-21.

paid' in spirits. Former Cape Corpsman Slinger Andries gave the following account of working in Graham's Town:

John Norton employed him nearly all the day got two skillings and a dram, got another dram at the Commissariat Store for assisting to unload waggons another from his companion, bought with his two skillings bread and meat also tobacco, but having got drunk with the spirits lost the food and tobacco, and got into the Trunk - the day before worked at Mr. Hill's store salting hides for two skillings and a glass of wine¹⁷⁶

With some justice Andries Stoffel claimed: 'Before the white man came and introduced brandy amongst the Hottentots they were a healthy, brave and honourable nation.'¹⁷⁷

The missionaries promoted temperance, at the points of supply and demand - persuading individuals to 'sign the pledge', protesting easy access to canteens, and fighting brandy as the labourer's wage.¹⁷⁸ James Read Jr said: 'Moral religion cannot prosper where brandy is drunk'.¹⁷⁹ The missions excluded spirits and admonished members to resist temptation in the towns. It may be supposed that Philip and Fairbairn had in mind the ideal of celebration without strong drink when they attended a 'dinner party conducted with great decorum, after [the] European manner' at Bethelsdorp.

¹⁷⁶ CA, CO 2713, enclosure in No. 133, Moodie-Bell, 27/11/1829, pp. 591-92. Moodie believed that Khoisan were attracted to the towns on account of 'offal and brandy - both of which they could get without constant work', VC 873, Slave Emancipation.

¹⁷⁷ Report, Kat River Temperance Society Meeting, The Graham's Town Journal, 10/4/1834.

¹⁷⁸ Sales, Mission Stations and the Coloured Communities, pp. 96-97, 107-08, 114. For a discussion of Ordinance 93 of 1832 which banned the payment of wages inside canteens, see Shirley Judges, 'Poverty, Living Conditions and Social Relations - Aspects of Life in Cape Town in the 1830s', M.A. dissertation, University of Cape Town, July 1977, pp. 101-15.

¹⁷⁹ Read-Kitchingman, July 1835, in le Cordeur and Saunders eds, The Kitchingman Papers, p. 153.

(The colonists' parodies of the occasion ridiculed this notion.)¹⁸⁰ At the request of the Kat River people themselves, canteens were banned there.

The temperance movement at the Cape began in the early 1830s,¹⁸¹ the prior efforts of the missionaries having lacked this measure of support. Colonial clergy and the missionaries, with the participation of small numbers of 'philanthropic' colonists, founded village-based societies and some mission stations formed their own.¹⁸² Their initial enthusiasm produced angry reactions from canteen keepers and others: 'Philo' of Graham's Town was incensed that 'Hottentot' intemperance was blamed on 'the example of Englishmen' - an allegation echoed at Kat River, as seen - and asked how it was possible to compare 'a civilised community and a race barely human, except in form'.¹⁸³

Locally produced brandy rather than wine - the basis of the tot system in the Western Cape - appears to have been the drink dispensed by eastern employers: 'During the nineteenth century, Cape brandy or "Cape smoke" as it was known, was mainly produced

¹⁸⁰ De Zuid-Afrikaan: See parody set in Graaff-Reinet, 2/7/1830 & 'A Man of Kent', 3/9/1830. Philip remarked that his attendance at this event revealed 'the real cause' of the colonists' 'hatred against me in all its naked deformity', CWMA, Box 12, Folder 1D, Philip-Clayton, 25/12/1830.

¹⁸¹ Crush and Ambler eds, Liquor and Labour, p. 14; Botha, John Fairbairn, pp. 140-41.

¹⁸² Messer, at Uitenhage, reported 130 Khoisan and slave members of the Temperance Society, CWMA, Box 13, Folder 1B, Messer-LMS Directors, 19/5/1832. For mission-based societies see e.g. Box 13, Folder 1A, Robson-LMS Directors, 4/2/1832.

¹⁸³ Correspondence, The Graham's Town Journal, 3/2/1832. For the powerful opposition mounted in Cape Town, see Botha, John Fairbairn, p. 141.



NOTTEN 101.

By "H.W.", based on CARICATURES BY C.D. BELL
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for the so-called "native trade"'.¹⁸⁴ The temperance societies bound signed-up members to withhold the daily drams so deleterious to the 'laboring classes'. An exchange in the correspondence columns of the Journal revealed a member of the Albany Temperance Society who offered brandy, as he explained, after neighbouring Khoisan first declined to help him harvest. This cannot have pleased the Society but its response has not been found.¹⁸⁵ Philip vowed to publish the names of all offenders in the Commercial Advertiser.¹⁸⁶

A curious case concerns the Khoisan, Willem Brander and Jacob Jacobs,¹⁸⁷ and Elizabeth Salt, the 'heroine of Graham's Town'. Honoured for her courage in the 1819 war, Salt became 'an itinerant wagon-shopkeeper' who trekked widely.¹⁸⁸ On a trek from Tarka she accused these two men, serving as her drivers, of assault, she having given them brandy after which she said they beat her, tied her up, and stole her goods.¹⁸⁹ Chief Justice Wylde and a jury (nine white males) convened by the circuit court acquitted them. On the face of it, the charge seems spurious

¹⁸⁴ Jonathan Bor, 'Liquor and Labour at the Cape in the late Nineteenth Century', B.A. (Hons) Dissertation, University of Cape Town, 1978, p. 5. Bor explains that this brandy was not exported and was likely to contain impurities. The well-to-do drank imported brandy.

¹⁸⁵ The Graham's Town Journal, 'Tim Quiz', 13/10/1834; John Mitford Bowker, 6/11/1834 & 27/11/1834. Asked if he had 'a dispensation', Bowker claimed he had reported the matter and left the society to decide if he remained a member or not.

¹⁸⁶ CWMA, Box 12, Folder 4B, Philip-Hodson, 14/1/1832.

¹⁸⁷ It is not clear if this man, said to reside at Rietfontein near Theopolis, is the man discussed in Chap. 5. 'Brander' is also rendered as Bruinders.

¹⁸⁸ DSAB, I. Her husband, William Salt, was a wagonmaker.

¹⁸⁹ Preliminary examination, reported in The Graham's Town Journal, 7/8/1834.

since the men completed the journey, with the victim, after the alleged attack. The evidence led has not been found but it must have counted against Salt that she gave brandy which, if construed as a wage, was a contravention of Article 5 of Ordinance 50.¹⁹⁰

As noted (Chapter 4), few colonists opposed the proliferation of canteens but many denounced the raucous scenes in their environs. Canteens were the chief sites of social mixing of the 'races'. The sole example of violence against an Albany Khoi to reach the second circuit court in 1834 happened near a canteen when the British soldier, Anthony Kelly, attacked Booy Witbooy with a bayonet.¹⁹¹ 'Disturbing the peace' was the umbrella term for noisy quarreling and unseemly acts such as 'lying down in the public street'. Drink, poverty and theft were linked in the public mind, especially in the case of the Khoisan. A British settler accused Betsy Cobus of selling a child, not her own, 'in the market place' for money to buy brandy.¹⁹² More women than men were charged with immorality resulting from drink - described in the courts as 'indecentcy' and 'licentiousness in language' (mentioned above).¹⁹³ Iannini discusses female behaviour as a marker of the social standing of groups - a phenomenon which the artist C. D.

¹⁹⁰ CA, CSC 1/2/1/14, Albany, case No. 19, 14/10/1834; 1/AY 9/62, Case No. 22, Report of the Criminal Cases tried by the Circuit Court, 13/10/1834; Circuit Court report, The Graham's Town Journal, 23/10/1834.

¹⁹¹ Kelly, of the 75th Regiment, was sentenced to three months in prison, with two days each month on rice water, CA, CSC 1/2/1/14, No. 16. Prisoners on rice water suffered rapid weight loss. After some were weighed and found to have gained it was realised that friends were passing in food. Therefore, external appertures were reduced in size and covered with iron grates, 1/AY 8/81, Atherstone-Campbell, 17/10/1830.

¹⁹² CA, 1/AY 13/9, Deposition of Thomas Bailley, 18/6/1833.

¹⁹³ CA, 1/UIT 4/1/1/1 and 4/1/1/2, Criminal Record Books, 1833-34, NB Nos. 70, 71, 595, 898, 907, 964, 982, 989, etc.

Bell exploited with images of drunk (and sexually available) Khoi women.¹⁹⁴

Some Khoisan, at least, perceived access to liquor as a right: On his arrest for drunkenness and breach of the peace, Saul Rondganger informed the constable that 'he was a freeman, and as good as any Englishman'.¹⁹⁵ For their part, most colonists believed that the cure for the 'licentious and disgraceful behaviour of the Coloured Classes' - their 'vicious propensities', when inflamed by drink - was hard labour through a more efficient penal system.¹⁹⁶

Khoisan women

Women have appeared in this text fleetingly as wives, mothers concerned for their children's welfare, workers contracted to the colonists, converts and teachers at the missions, rape victims, drunkards and prostitutes. It is difficult, more often than not, to 'see' women apart from their presumptive membership in collectivities - the 'migrants' and 'squatters', 'pupils' and 'mission residents', 'San', 'slaves' and 'Hottentots' who people a study such as this. Their presence is 'presumptive' because, in the great majority of texts, their interests and actions are subsumed with men's and are, in consequence, expressed as the concerns of 'he' or, more expansively, 'mankind'. These are not original thoughts; they are offered to endorse the trenchant comment others have already made about the usually unacknowledged

¹⁹⁴ 'Contracted Chattel', pp. 117-19; Boonzaier et al, The Cape Herders, p. 120.

¹⁹⁵ The Graham's Town Journal, Law Courts, 3/2/1832.

¹⁹⁶ The Graham's Town Journal: Editorial, 13/6/1833; 'A Friend to Order', Correspondence, 20/6/1833.

cost where 'sexual apartheid ... in historical texts' is practised or ignored.¹⁹⁷

In her study of slave society, Van der Spuy arrived at practical ideas for a 'sex-based investigation' by means of questions addressed to records such as opgaaf rolls.¹⁹⁸ Confronted with such documents it may be pertinent to ask how females - mentioned or not - fitted in: Women were frequently alone and not physically with the fathers, husbands and brothers in whose shadow their lives appear to have been spent. This was the case for Khoisan women in settings such as mission stations or 'kraals' where the men's callings - on the farms, in the Cape Regiment, or in pursuit of independent livings such as transport riding - entailed their absence for varying periods. There is thus some ambiguity in the account of eighteen women at Bethelsdorp 'who support their families by making bread and needlework':¹⁹⁹ Are we being told that they were the sole breadwinners for these families, or were they supplementary earners until men came back with wages for their 'support'? By such questions, one may seek to penetrate the murk.

¹⁹⁷ Cited here is Helen Bradford, 'Women, Gender and Colonialism: Rethinking the History of the British Cape Colony and Its Frontier Zones, c.1806-70', JAH 37, 1996, pp. 351-70.

¹⁹⁸ 'Some Thoughts on Gender and Its Application to the Study of Cape Slave Society at the End of the 18th Century', *Slavery and After Conference*, University of Cape Town, 1989, pp. 15-19. For this purpose she would broaden 'slavery' to include 'those ostensibly free [such as Khoi women] who do not control their own sexuality'.

¹⁹⁹ CA, A 2564, Mss Afr.s.219A, p. 178. According to one report, women 'earn nearly as much as the men by means of their needle, by washing, and by rope-making for the thatching with rushes', CWMA, Box 12, Folder 2, 'Papers accompanying and explaining points in the Tabular View of South African missions ...'.

A telling insight into what appears a consensual view of gender hierarchy was provided by the LMS missionary Robson when he reported that the boys at Bethelsdorp's school were 'far behind the girls' (for reasons noted above):

It is true that the girls will probably become mothers of families and that by their education they will be better qualified to train up their children, but then they will feel their intellectual superiority to their husbands and perhaps wish to subvert the order of nature and instead of submission will attempt to rule.²⁰⁰

Philip cited this without demur in a letter concerned with schools, in which he recommended higher education for 'a few native boys'.²⁰¹

Preparing the portion of the index headed 'women' for the second edition of Shaping (this having been omitted at first) brought home to me the weight of references to women's sexual or reproductive role: '[A]bduction, abortion ... childbearers ... concubinage ... pregnancy, promiscuity, prostitution, rape', are typical entries.²⁰² Though attitudes towards racial mixing and other behaviours are discussed in the book, insights available in published gender studies are not. Attention (for example) to Catherine Hall's point about the Evangelicals' view of women as uplifters of men's morals and, ultimately, those of the nation would have enriched our work.²⁰³ Certainly it is relevant to the phenomenon noted above where drunkenness in women elicited

²⁰⁰ CWMA, Box 12, Folder 4B, Robson-Philip, 22/12/1830, cited in Philip-Hodson, 14/1/1831.

²⁰¹ CWMA, Box 12, Folder 4B, Philip-Hodson, 14/1/1831.

²⁰² Elphick and Giliomee eds, Shaping, pp. 622-23. These entries refer to all women in the colony, not just the Khoisan.

²⁰³ 'The Early Formation of Victorian Domestic Ideology', in Sandra Burman ed., Fit Work for Women, Oxford Women's Series: Croom Helm Ltd., 1979, pp. 23-30.

descriptive terms not used when similar transgressions were committed by men.

Women's lives are glimpsed where 'morality' was jeopardised. When the Rev. A. Smith of the established clergy, appointed to Uitenhage Town, questioned the publication of marriage banns for certain 'Hottentots' on just such grounds, he was reminded that the 50th ordinance placed them 'on the same footing in every respect as others of His Majesty's subjects'.²⁰⁴ If

a Couple, White or Black, appear and state they are of age, that one is a Bachelor and the other a Spinster - I doubt very much if the Clerk has any right to question them whether they have cohabited together a month or a year, and altho' some of the Members of the Church may suspect or even know it to be the case.²⁰⁵

Cohabiting outside the marriage bond seems regularly to have occurred - among Khoisan, and no doubt other 'classes'. Some women applied to the courts when breach of promise was alleged, thus Petrus Ulbrecht (son of Elizabeth Windvogel and her missionary husband) was sued in the Circuit Court by Hanna Matroos of Bethelsdorp in 1832: 'To show cause why he shall not be condemned to marry her - or to pay unto her a sum of L30 damages for breach of promise of marriage, said promise being made in or about the month of August 1831.'²⁰⁶ In another such case, Sila Stoffels complained that Hermanus Dolf would neither marry her nor support their two children. Though doubtless her conduct was disapproved, the woman enjoyed some protection and

²⁰⁴ This was the standard phrase, used repetitively, where Khoisan rights or special privileges were at issue, see e.g. CA, 1/UIT 10/18, Acting Secretary to Government-Civil Commissioner, 16/8/1833, regarding the missionary Messer's request that marriage bann fees be waived for them and slaves.

²⁰⁵ CA, 1/UIT 15/55, Resident Magistrate-Rev. A. Smith, 10/4/1834. Smith was one of the Scots clergy recruited by the Rev. George Thom in 1823.

²⁰⁶ CA, 1/UIT 5/2, No. 1, H. Matroos vs P. Ulbrecht.

the man received the greater censure: Apart from the court's ruling, Dolf was told that if he `continues to refuse her marriage he cannot remain an Inhabitant of [Bethelsdorp].'²⁰⁷ Khoi women could obtain redress from colonists when pregnancy occurred. Though John Byrnes denied that he had fathered Mietje Booyse's child, she was awarded two heifers or L1.10.0 - half the compensation she had demanded.²⁰⁸ This was resolved by civil suit, whereas the breach of promise cases came to court as criminal trials.

Though more investigation is needed, there appears to have been a trend like that now recognised where women complain but do not pursue a charge against abusive or otherwise offending men. In some such instances the charges were withdrawn; in others the plaintiff (and, usually, the defendant also) failed to appear on the appointed day. Kaatje Mentor accused Adonis Malgas of calling her a whore but, afterwards, the case was withdrawn. Anna Daniels alleged that Piet Lustig beat her outside a canteen, but she did not follow through. Sila Paardeberg claimed that David Senekal (a Boer) owed her five cattle but both defaulted on the day of the trial - as did Mietje Jephta and H. J. Gouws in a similar case.²⁰⁹ Perhaps restitution was the sequel to these threats; or, perhaps, dependency ordained that nothing, actually, was done.

Criteria when prosecuting rape are far from clear. Scully explains that in `Cape Roman Dutch law, rape was understood to be "both the forcible ravishing and the forcible carrying off of a woman or maid against her will" but, she notes, `it is

²⁰⁷ CA, 1/UIT 13/6, Kitchingman-Resident Magistrate, 31/12/1832; 1/UIT 15/55, Resident Magistrate-Kitchingman, 3/1/1833.

²⁰⁸ CA, 1/UIT 7/1/1, Civil Suits, No. 280, 16/12/1830.

²⁰⁹ CA, 1/UIT 7/1/1, Nos. 223, 229, and 1/UIT 7/1/2, Nos. 393, 597.

difficult to chart the changing Cape laws relating to rape'.²¹⁰ When Stuurman Jacobs appeared before the Circuit Court in Uitenhage it was reported: '[N]otwithstanding the clear and distinct evidence given in the case of Allet Boosman and partly corroborated by Doortje Boosman, the Jury after a long consideration returned a verdict of Not Guilty'.²¹¹ The plaintiffs' ineligibility to take the oath undermined the case against James Turner, charged with raping two young girls:

[O]wing to the tender ages and ignorance of the children Maria Jacobs and Sanna Baardman, this case has been so long delayed, and I regret to add that the latter notwithstanding the necessary steps taken by me to have her instructed continues to encrease such ignorance as to render her unfit to be examined on oath.

Sanna Baartman's unsworn statement went to the chief clerk in Cape Town for advice on how to proceed.²¹²

The vulnerability of Khoisan herds to violence from livestock thieves is often noted in the literature; less so, the risks to which women and girls used as shepherds were exposed²¹³ -perhaps from men they knew. While in the field, Kaatje Jacobs ('a very good girl') was assaulted and raped by cattle herd Gezwind ('a most excellent servant') whom she had known for some two years and had no reason to fear.²¹⁴ Crucial to a conviction appears to

²¹⁰ Scully, 'Rape, Race, and Colonial Culture', p. 343.

²¹¹ CA, 1/UIT 16/59, No. 12, Clerk of the Peace-Clerk of the Peace, Cape Town, 11/4/1832, pp. 11-12.

²¹² CA, 1/UIT 16/59, Clerk of the Peace-Clerk of the Peace, Cape Town, 30/6/1832, pp. 27-28 & 28/7/1832, p. 30.

²¹³ NB the case of British settler daughter Elizabeth Dyason, raped while herding her father's sheep, see Chap. 3.

²¹⁴ CA, CO 418, Supreme Court, etc., 1833, pp. 46-57, 607. The rape occurred in Albany on 4/6/1832. The two Khoi were so described by their 'master', Richard Daniell. A case involving a colonist's daughter employed as a herd who was raped and murdered appears also in this volume.

have been the assurance that at no stage had Kaatje or her mother intimated to Gezwind that she had agreed to 'become his wife'. This man was condemned to hang.²¹⁵ When death for rape was reconsidered (1843), Judge Menzies evoked 'virtuous women ... principally of a pure or nearly pure European blood' on whose behalf it was required: 'A large proportion of the male population of this colony consists of half-civilized and uneducated persons of colour whose passions and appetites are under no restraint except what arises from the fear of punishment' - persons for whom 'imprisonment has no great terror', he believed.²¹⁶ As Van der Spuy explains, the mid-nineteenth century was a time when people were being classified as 'particular types', each with a 'character' or 'nature' of its own.²¹⁷

The era of humanitarian liberalism put the penal system under scrutiny. Influenced by the commissioners of inquiry, no doubt, then-governor Somerset sought alternatives to flogging female 'Hottentots' and slaves.²¹⁸ Van der Spuy has pointed to gender differentials introduced into the mode of punishment at just this time. For example, the whipping of females had been prohibited in England - for reasons as much concerned with morals ('exposure of the person', where whippings were administered by men) as with sparing 'weaker vessels' pain.²¹⁹ The next governor favoured a

²¹⁵ Gezwind was pardoned by Governor Cole, on condition he be confined with hard labour for life on Robben Island.

²¹⁶ CA, CO 5179, Governor-Chief Justice, 26/1/1843, pp. 78-79; CO 521, Wylde & Kekewich-Governor, 8/2/1843 & Menzies, 10/2/1843 (with whom Napier strongly disagreed, e.g., 'I am not prepared to concur in this sweeping clause.')

²¹⁷ 'A Collection of Discrete Essays', p. 8.

²¹⁸ Theal, RCC, Somerset-Chief Justice, 5/1/1824, p. 493.

²¹⁹ Van der Spuy, 'A Collection of Discrete Essays', p. 43 & n. 135; Theal, RCC, 30, Report ... 18/8/1827, p. 98.

'Bridewell or House of Correction where riotous and abandoned Females' might be reformed before being sent 'as Servants to remote parts of the Colony'.²²⁰ Whether their banishment should be recognised as part of the punishment, or as simply a convenience to government (and future employers) was not made clear. Morals sufficed to remove women from Robben Island where serious offenders of both sexes were confined when the superintendent complained of the pregnancies which frequently occurred.²²¹

An index to 'women', based on what has been recorded in this study thus far, might read: adultery, and gender roles, and morality, and Ordinance 50, and slaves, breach of promise, breadwinners, child welfare, Christian converts, civil claims, defamation, drunkenness, education of, marriage, prostitution, punishment, rape, teachers, wages, widows.

Missions and transformation

Of consequence for mission residents, more effectively than for Khoisan at large, was the Christian churches' goal of transformation whereby persons in a 'savage state' were guided towards behaviour deemed desirable as 'civilised'.²²² An example of aberrance peculiar to the 'heathen' was described by Barker with regard to Katryn Jacobs who 'disfigured herself' (Chapter 6). Some cases of 'superstition' where healing was undertaken by the San are mentioned above.²²³

²²⁰ RCC, Bourke-Bathurst, 3/1/1827, pp. 8-9. London's Bridewell was a prison for vagrants, prostitutes and others.

²²¹ CA, CO 434, 3/11/1834.

²²² See e.g. CWMA, Box 12, Folder 4B, Philip-Hodson, 14/1/1831.

²²³ Note also van Buuren and Devenish where frantic mothers reclaimed children (Chapter 6).

In 1832, Barker reported 'unpleasant work' in which he was involved through the behaviour of some children:

They were led to Extremes by some ignorant persons, and night after night was spent in going from house to house singing, when this was forbidden they betook themselves to the fields, all descriptions of persons were congregated together, and because I remonstrated with them on the subject I was their enemy; they were converting all the Inhabitants of the Institution and I was opposing them. These young ones had also certain contortions of body which they practiced, quite new to me, and to this they added the howl in the place of worship, and elsewhere at will, and all this was to be received as the genuine work of the Spirit of God.²²⁴

This continued for several weeks and was only overcome when Barker threatened to leave Theopolis.²²⁵

Of interest is the reference to 'contortions' of a sort 'quite new' to him, and to 'the howl' - mentioned as if it were familiar but used inappropriately here. The children and those who joined them maintained that what they did was 'the genuine work of the Spirit of God', which Barker could not concede. As outpourings of emotion were signs of 'genuine' conviction when expressed in acceptable ways, it is tantalising to speculate about the precise criteria which the missionaries used.²²⁶ To begin, Barker objected to the nightly singing 'from house to house' - a replication of events at Griquatown sixteen years before when Anderson had

²²⁴ CWMA, Box 13, Folder 1B, Barker-LMS Directors, 19/7/1832.

²²⁵ Philip - already out of sorts due to the failure of land claims where Barker was involved, and Cole's broader criticisms - alleged he was incapable of 'governing mankind', treated people 'with contempt', and was leading Theopolis 'to wreck', CWMA, Box 13, Folder 1B, Philip-Clayton, 3/7/1832.

²²⁶ See Malherbe, 'The Life and Times of Cupido Kakkerlak', p. 375, citing Robert Moffat on this subject. For Barker's defence of the 'Rules' in force at Theopolis, see CWMA, Box 13, Folder 4B, Barker-Ellis, 16/12/1833.

opposed Cupido Kakkerlak's evangelising in that way.²²⁷ Brother Cupido had insisted then that the method worked at Bethelsdorp, to 'waken' souls - a claim suggesting that the rules depended on who happened to be in charge.²²⁸ These events showed that attempts to 'Africanise' Christian faith and practice were unlikely to be tolerated. A further option - secession by groups of independent Christians - may not have been considered at the time.

Context and change

A study like this one - which aims to resurrect the life experience of subalterns, through particulars, rather than to depict an epoch in a grand sweep - relies very much on the work of others for a sense of the ethos and texture of the chosen period. For ideas emanating from the metropole by the 1830s, one may cite: Boyd Hilton's thesis that economic life was viewed in influential circles as 'a state of moral trial';²²⁹ or C. A. Bayly who maintained that whereas certain liberal reforms succeeded in reducing violence, racial hierarchies were defined 'more subtly through law', for example, by enshrining property rights to the exclusion of the 'common rights and shifting tenures' which often better served the poor.²³⁰ For the Cape in the early nineteenth

²²⁷ CA, ZL 1/3/6, Box 6, Folder 3C, Anderson, 19/4/1816, cited Malherbe, 'The Life and Times of Cupido Kakkerlak', p. 371. It may be wondered if Barker objected on the same grounds, that this opened 'a door for uncleanness and immorality - also an encouragement to indolence in the day'.

²²⁸ Read Sr appears to have been more tolerant than Anderson. For Khoi behaviour during the 1814-15 revival at Bethelsdorp see Sales, Mission Stations and the Coloured Communities, p. 76.

²²⁹ Corn, Cash, Commerce, p. 313.

²³⁰ Imperial Meridian, pp. 195, 204, 219.

century one may turn to recent studies such as those of Keegan, Bank, and Crais.²³¹

The sources named are merely samples of suggestive texts which, in this chapter, aided the consideration of exhumed detail. As always where the welfare of the Khoisan was concerned, land access and their status in the labour market have loomed large. Both, in some measure, were the focus of reform. But systems and institutions seldom anticipate ideas; for this and other reasons, the reforms were disappointing in their effect.²³² This was true as well with respect to, say, the education policies which have been sketched. On the eastern frontier, the institutions of the nascent civil society also were contested and weak. Some, such as the temperance movement, began well but lacked whole-hearted or sustained support. A factor of great importance for the decade was the expansion of the commercial press. Early on, two rivals arose to challenge the liberal Commercial Advertiser's monopoly of opinion and news: De Zuid-Afrikaan and The Graham's Town Journal were inimical, on the whole, to expressions of the Khoisan's point of view and to promotion of their newly legislated rights.

²³¹ Colonial South Africa, 'Liberals and their Enemies', and The Making of the Colonial Order, passim.

²³² A policy may be judged to have failed due to poor administration when, possibly, the limits of intent have not been adequately explored, see Chap. 12.

10. The Khoisan in the Kat River Settlement

To discern the 'meaning of freedom' in the minds of the post-Ordinance 50 Khoisan, Elbourne turned to the verbatim records of meetings held in 1834 to protest the draft vagrancy law. Her analysis of what was said by these (mainly) Kat River men shows that mobility and 'honoured' status, non-racialism and 'the restoration of land' were important components of their understanding of the term.¹ But how did the Kat River settlers experience freedom, and how did their experience compare with that of the more numerous Khoisan who were not there?

This chapter surveys the documents at our disposal and proceeds to explore the community's economy and government. As an 'experiment', Kat River was a place apart and subject to the scrutiny of official and unofficial monitors. Suspicion marred its founding years, escalating until the neighbouring colonists succumbed to a bizarre panic at the close of 1831. Meanwhile, divisions fueled largely but not entirely by exogenous factors became ever more acute. These developments, in addition to intrinsic hardships and dangers noted before (Chapter 8), undercut the optimism which tallies of material progress purported to reflect.

How the 'experiment' took shape

As seen, owners of livestock were prominent among the early Kat River settlers, which relieved the pressure on mission pastures and drew off propertied, non-mission Khoisan from grazing on the colonists' farms or public land. However, the aim was not to

¹ 'Freedom at Issue', pp. 138-41. Protest meetings took place on 5 & 12/8/1834 at Philipton in the Kat River, and 25/8/1834 at Theopolis. Note Elbourne's caution that, though verbatim, the reports were 'transcribed from speech and then translated', n. 2, p. 146.

replicate the sparse settlement typical of pastoralism, but to create a dense population of small farmers. This was done by limiting the commonage and clustering erven to form 'hamlets'. Kat River's early years, before Stockenstrom removed his superintending hand and the war of 1834-35 interrupted progress, are generally depicted positively. Marais, Kirk, Visagie, Crais and others have commented on material conditions in the settlement as reflected in the reports of the commissioner-general and other officials.²

The first such report, completed by Stockenstrom on 22 December 1829, detailed the members of the eighteen founding parties - the men by name, the women and children merely counted. He indicated where the parties were located and counted the muskets (government issue or own), wagons, ploughs, horses, cattle, oxen, sheep and goats possessed by individuals. He also noted the state of cultivation and, particularly, the preparation of irrigation canals.³ These items were enshrined as measures of material welfare and of the 'industry' displayed (orchards and the construction of 'commodious' dwellings became markers later on).

To be sure, this was a time of optimism and exertion but, from the beginning, the settlers were severely stressed. Locusts, drought and livestock theft were problems endemic to the eastern frontier which bore with great severity on the Kat River pioneers. Weeks only after their arrival, Groepe reported a patrol in search of stolen livestock. '[L]ost all' of their first

² Kirk, 'Progress and Decline in the Kat River Settlement', 1829-1854', JAH, 14(3), 1973; Visagie, 'Die Katriviernedersetting'; Marais, CCP, Chap. 7; Crais, The Making of the Colonial Order. Crais describes an impressive postwar recovery, p. 159.

³ CA, 1/AY 8/81, Return of Hottentots Provisionally Settled in the Ceded Territory, 22/12/1829, enclosed in Stockenstrom-Civil Commissioner, 11/1/1830 (Appendix B(1)).

crop because of drought, Stockenstrom reported in the case of Piet Vry's party of twenty-seven adults and thirty children: '[H]ardly one tenth' of the seed (barley, oats and Indian corn) distributed by government had grown, 'being eaten by insects'.⁴ For some, the work invested came to nothing when they were obliged to move: David Scheepers and Gert Samson, both heads of parties, had to leave behind their gardens and watercourses when Elands Post was situated on their grounds.⁵ The rumoured danger, hard on their arrival in 1829, of retaliation by those Xhosa who had been expelled has been mentioned. Panics were annual events, as it transpired.

In 1830 fear of disturbances put a stop to the cross-border trade, to the chagrin of licensed British traders. James Collett, who hired Kat River wagons to carry goods beyond the Kei, bolstered his protest against the ban by stressing the loss to wagoners if he were kept from this employment.⁶ In 1831, when cattle were stolen and a young Khoi herd murdered, the threat of conflict loomed again.⁷ A major panic shook the eastern districts later that year when several independent rumours coalesced (discussed below). Afterwards, officials floundered in efforts to remove the settlement's near neighbour, Hermanus Matroos - product of a slave-Xhosa union who served as an interpreter - from the Blinkwater where he was deemed to threaten the peace

⁴ CA, 1/AY 8/81, Return of Hottentots; LG 5, Groepe-Stockenstrom, 25/8/1829.

⁵ CA, LG 3, David Scheepers-Stockenstrom, 10/9/1830, pp. 156-57; LG 6, Gert Samson-Stockenstrom, 9/9/1830, p. 26.

⁶ CA, LG 5, Collett-Stockenstrom, 17/1/1830, p. 187; LG 11, No. 10, Stockenstrom-Collet [*sic*], 19/1/1830, p. 313; 1/AY 8/81, Collett-Acting Civil Commissioner Moodie, 5/2, 8/2 & 19/2/1830.

⁷ CA, LG 2, Somerset-Wade, 12/8/1831, p. 2.

which was so little trusted there.⁸ Another threat was perceived when Xhosa belonging to Tyhali, Maqoma's half brother, settled in numbers on the Mankazana River. In 1833 a hundred Kat River men were ordered, along with some colonists, to help the army drive them out: 'All the huts erected in the neighbourhood of the Mankazana were burned by the troops.'⁹ This operation was followed by renewed rumours of a Xhosa attack, alarming 'the Hottentot locations'. It proved baseless but, before that, the 'whole Settlement was under arms for several days'.¹⁰ Open warfare erupted in December 1834. Each panic was a setback. Moreover, the intervals of relative peace were regularly disturbed by accusations of theft, often on no grounds except a fixed suspicion against the Kat River settlers.¹¹ At one stage the Bethelsdorp missionaries claimed that thefts attributed to the Khoisan were due mainly to a 'gang of thieves' belonging to a British regiment.¹²

⁸ CA, 1/AY 8/21, No. 73, Bell-Civil Commissioner, 28/9/1832; 1/AY 8/22, No. 53, Bell-Civil Commissioner, 2/8/1833; 1/AY 8/23, No. 38, 4/4, No. 49, 9/5 & No. 86, 1/8/1834, Brink-Civil Commissioner; CO 2749, No. 83, Campbell-Brink, 18/7/1834 & No. 125, Campbell-Bell, enclosing Fuller, 5/3/1834; DSAB, II, Hermanus Matroos.

⁹ CA, 1/AY 9/7, Campbell-Acting Secretary to Government Brink, 7/6, 23/8 & 6/9/1833. For Tyhali's view of these events see letter dated 11/3/1834, 'Tyali, Kafir Chief', The Graham's Town Journal, 10/4/1834.

¹⁰ CA, 1/AY 8/23, No. 32, Brink-Civil Commissioner, 21/3/1834, p. 62; The Graham's Town Journal, 27/3/1834.

¹¹ To cite examples: Thomas Sweetman blamed the Kat River Khoi for thefts on the basis of footmarks 'widely different from those of Caffres', but lost the spoor at the Fish River, CA, CO 2721, No. 129, Campbell-Bell, 20/8/1830, pp. 585-89 & enclosures, pp. 590-93; J.P. van der Merwe blamed them for four lost horses on no specified grounds, 1/AY 8/81, Waddel-Civil Commissioner, 12/10/1830.

¹² CA, A 2564, H.C. Botha's notes, Rhodes House Library (Oxford), MSS Afr. s. 219A, Bethelsdorp, 1830, p. 211.

A second detailed survey of the settlement was carried out in 1833 by civil commissioner Campbell who, at the time, was acting commissioner-general in Stockenstrom's stead. By then there were some fifty-two parties, most of them led by members of the founding parties who had collected enough armed men to establish new locations.¹³ Three party heads - Jan Jantjies, Cobus Boezak and Jan Valentyn - had died and been replaced by other men.¹⁴ This record is the product of the periodic on-the-spot inspections which Stockenstrom had instituted. A third document (unsigned) was compiled by the surveyor, W. F. Hertzog, who was assigned to execute Stockenstrom's plan for land distribution (see below). It provides a running record of land surveys and erf allocations between 1831 and 1839.¹⁵

Taken together, these records afford some glimpses of community dynamics. Among other things, they are the source of information as to who was there: Thus we find Piet Arend, a long-lived Khoisan captain, with Stoffel Boezak's party. Captain Piet had annoyed civil commissioner Van Ryneveld, whose job it was to pay his military pension, by disappearing: 'He used to live in the Beaufort District where he might have remained pretty comfortable but like most of his country men preferred roaming about to a fixed abode.'¹⁶

¹³ CA, 1/AY 9/7, Detailed Report ... of the Settlement at the Head of the Kat River, 1833, pp. 25-39 (see Appendix B:2). In mid-1831 Read had reported 33 locations, '21 of which are chiefly composed of families from our missionary institutions', ZL 1/3/10, Box 12, Folder 4C, c. August. The post of commissioner-general was abolished as of 1/1/1834.

¹⁴ CA, LG 5, Groepe-Stockenstrom, 18/9/1830, p. 22.

¹⁵ CA, A 707(18), The Kat River Settlement, 1831-1839.

¹⁶ CA, 1/AY 8/82, van Ryneveld-Campbell, 14/3/1831; A 707(18), No. 48. In 1829 Arend petitioned government about his pension, describing himself as 'old, infirm and poor', CO 3941, Memorial No. 33, Captain Piet Arend. On his death his staff of

Crais refers to 'stratification within the settlement'.¹⁷ The 1829 statistics show not large but, in their context, significant wealth differentials at time of entry on the Kat River lands. Party heads - 'respectable' individuals able to muster ten able-bodied men¹⁸ - were often among the better off but this was not always so. Of the once-prosperous Cobus Boezak, Somerset told Stockenstrom:

Old Bousack tells me he is going in charge of all the Hottentots to the Kat River - as he is in a kind of official capacity, and as I must consider him on duty, untill [sic] his people are settled I have ordered him and his orderly to receive rations at the post. The old man has nothing in the world, and I would be glad if you would recommend his case to the Government.¹⁹

Most of the applicants were poor. Andries Stoffel recalled:

When an old man said to him "We are poor" Mr. Stockenstrom answered him saying, if you were rich then you can live without going there - it is the poor we want - so that many came here without anything, as they were to receive land.²⁰

Read held to his belief that impoverished Khoisan, presented with opportunities which the Kat River held out, were as likely to succeed as the initially better off: The argument against it 'is an old worn out song', he said, citing the Van Beulens, Geismans

office passed to his son, Arend Arend.

¹⁷ The Making of the Colonial Order, p. 79.

¹⁸ CA, CO 373, No. 56, Provisional Regulations Nos 1-2, 22/12/1829, pp. 468-72.

¹⁹ CA, LG 1, Somerset-Stockenstrom, 7/6/1829, p. 51. LMS missionaries reported that Boezak complained the government neglected him, now that he was old, see CA, A 2564, H.C. Botha's notes, Rhodes House Library (Oxford), MSS Afr. s. 219A, Bethelsdorp, 1830, p. 211.

²⁰ CA, A 50(4), Report of a Meeting held at Philipston [sic], 5/8/1834. Read raised this point with Stockenstrom who confirmed that those without property could receive land, LG 5, Read-Stockenstrom, 8/9/1829 & 29/9/1829, pp. 148-49, 154.

and Bergmans as poor immigrants who soon did well.²¹ Perceived status differences worked in predictable ways to produce incidents of the sort one settler described:

If a man is rich altho he is as short in stature as I am then he is great, and if a Man is Baptized then he becomes a "Baas" - I came into the Kat river only with my knapsack on my back. - It is said there are vagrants among us, and I might also say there are "Baases" among us, for when I complained lately, one knocked the hat off my head.²²

Of interest here is that baptism as well as wealth is cited as a status determinant.

Stockenstrom defined a system for rating the applicants for land and selected three parties to receive the first measured erven, namely, those of Andries Botha, Jan and Willem Valentyn.²³ This distribution took place in October 1831. Later overseers retained the system, which was as follows:

Classification of the diff. applicants

First Class	Are those who have settled at the first
(1.c.)	beginning, when Cat River was taken
(marked before	possession of, and placed by Capt. A.
their names)	Stockenstrom
(1.c.A)	A. The Heads of Parties
(1.c.B)	B. Those who have been very actif in
	assisting in the diff. works, water
	courses &c
(1.c.C)	C. Those who have partly assisted
Second Class	Those Individuals who have settled,
(2.c.)	between the first period and the time at
S. and myself inspected the Land. -	
(2.c.A.)	A. The Heads of Parties
(2.c.B.)	B. Who have settled with them and also with
the first Class, and have been actif	
(2.c.C.)	C. Not actif. -

²¹ CA, LG 6, Read-Stockenstrom, 24/7/1832, pp. 107-08. Read was responding to Godlonton's largely favourable remarks about the settlement in The Graham's Town Journal, see Hutton ed., Autobiography, II, pp. 404-12 (esp. p. 410).

²² CA, A 50(4), Report of a Meeting held at Philipston [sic], 5/8/1834.

²³ The surveyor and his work are discussed below.

Third Class (3.c.)	Individuals who settled in the Cat Rivier after the Inspection (the second period) some shortly after and some lately without any permission from Capt. Stockenstrom or from Capt. Campbell
(3.c.A.)	A. Those who have been actif
(3.c.B.)	B. Partly actif or nothing done. -
1.c.A. - No. 1.	At each party the preference
2.c.A. - No. 1.	" " "
1.c.B. - No. 2.	After the Heads of parties
2.c.B. - No. 3.	" " " or after No. 2
1.c.C. - No. 4.	After the before mentioned -
2.c.C. - No. 5.	The last choice if any land is still vacant, which is also the case with No. 4
3.c.A. - No. 6.	Only to those who may obtain, on recommendation, permission from Capt. Campbell. ²⁴

It may be seen that date of arrival, status as a party head, and signs of industry were the important factors in selection to receive title to land. The frequently amended pages of this document reflect the movement between parties, and to or from the settlement, by individuals - almost invariably men. Women appear mainly when a widow's entitlements were clarified.

More intimate accounts depend on the missionaries: Thomson (Chapter 8); Kay, Read and Barker of the LMS. On an early visit, Kay described a 'Hottentot village' of thirty-one 'small wattled cottages, forming a complete circle with cattle and sheep-folds in the centre'.²⁵ Other hamlets were 'superior' to this, by which he meant closer to the 'civilised' ideal. At one he saw Captain Boezak with his silver-headed staff in readiness to greet governor Cole.²⁶

²⁴ CA, A 707(18).

²⁵ Travels and Researches, pp. 400 (no date, but 1830). Here Kay found a copy of Ordinance 50 in a Dutch Bible belonging to a former Enon resident, p. 401.

²⁶ Kay, Travels and Researches, pp. 411-12.

The economy

With 'industry' the reigning value it is curious to note the little said regarding how the settlers' efforts, practically, would promote a more generalised prosperity, or their full integration into the colony. Despite the records we possess of livelihoods pursued, and of the evolution of a system of governance, the lineaments of the political economy are difficult to discern. To what extent did goods and services available within the settlement circulate beyond its boundaries (which were not precise)? Where cash values were attributed to goods produced or, in another example, to settler contributions to the building of a church, can we assume the operation of a cash economy in a real sense? How far did settlers shape the policies which bounded their lives?

Livestock were the chief property brought to Kat River by the immigrants but holdings were reduced by forced slaughtering in order to subsist. Moreover, within a few months, distemper had 'carried off most of the horses of the Hottentots'.²⁷ There were accusations of careless herding (by whom is not clear) and Stockenstrom warned that guilty persons would not receive as much as 'een duim grond'.²⁸ Presumably, settlers were paid for opening their lands to grazing by stock belonging to the CMR.²⁹ But, central as animals remained - sheep, goats and cows for milk and meat, oxen for all kinds of work, horses for transport and defence - crop farming was recommended as the mainstay of economic life. The claims for compensation for produce stolen and

²⁷ CA, LG 12, No. 72, Stockenstrom-Somerset, 19/5/1830, p. 121; LG 6, Thomson-Stockenstrom, 16/2/1831, p. 84.

²⁸ CA, LG 11, No. 11, Stockenstrom-Groepe, 19/1/1830, pp. 314-15.

²⁹ CA 1/AY 8/85, List of Men ..., pp. 291-92.

destroyed submitted by settlers during the 1834-35 war are a useful source for the crops sown.³⁰

It is likely that the most dependable flow of cash into the settlement derived from military pensions paid to the retired soldiers who moved there in numbers. From time to time, the quantity of agricultural produce was cited with approbation but it is seldom clear what proportion was surplus, or where the surplus was disposed, or by what means the sellers were paid. Expounding his ideas about the situation of post-Ordinance 50 Khoisan, prior to the settlement, Stockenstrom opined that 'there are few places in the Colony where even the industrious Hottentot would find a ready market for the surplus produce of an erf'.³¹ A few Kat River Khoisan - 'one or two', one witness said³² - secured contracts with nearby military posts: Michiel Pretorius' sale of barley to Fort Beaufort was reported in 1832.³³ To begin, Read was optimistic about economic prospects: 'We have excellent forests of timber, extensive markets in the colony, and easy of

³⁰ CA, LG 42-47, Losses sustained by Individuals, 1835, etc. (livestock losses are also reflected). For seasonal fluctuations see e.g. The Graham's Town Journal, 21/9/1832, and 21/1/1834, 6/3/1834 & 27/3/1834.

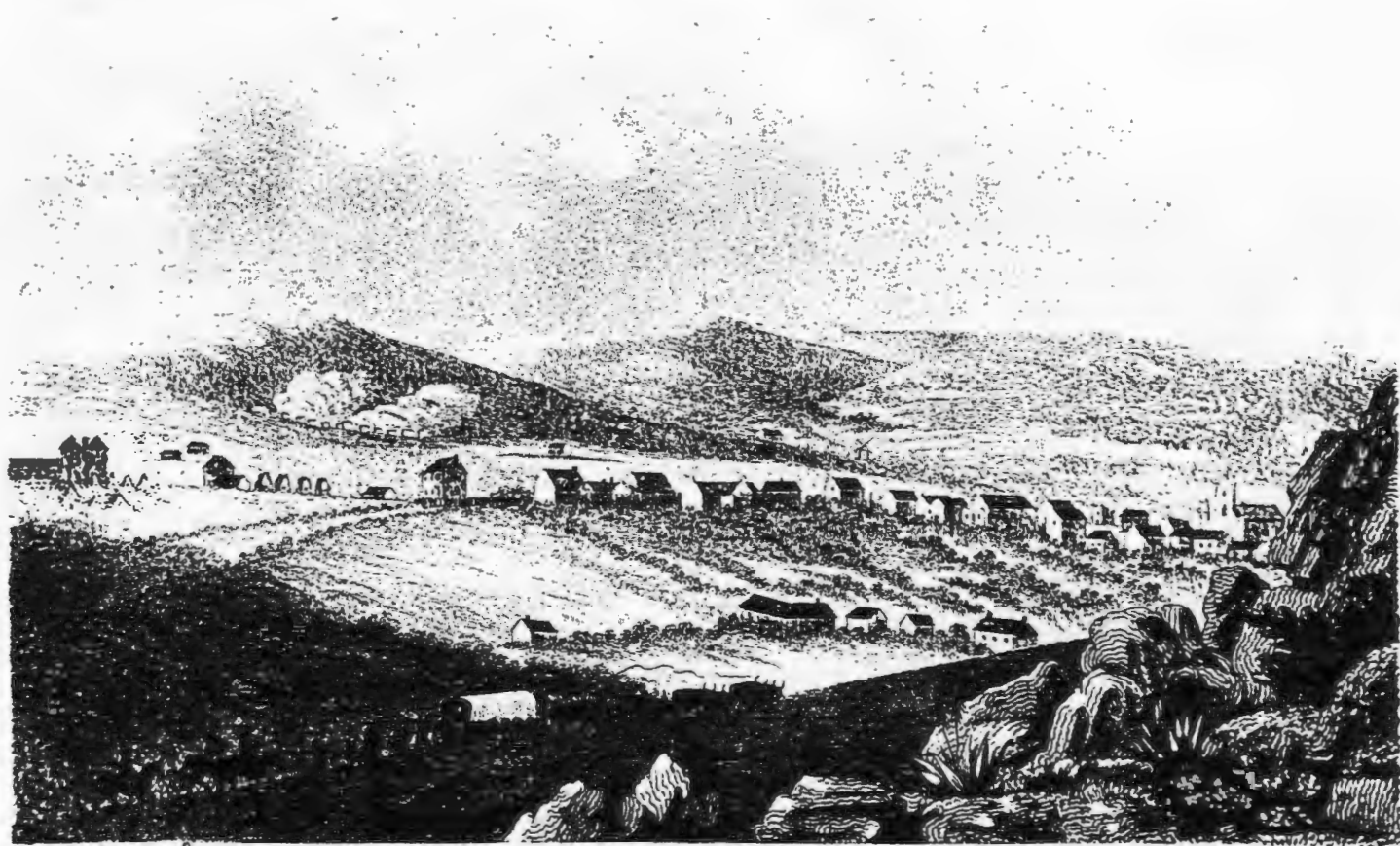
³¹ Hutton ed., Autobiography, II, p. 351.

³² BPP, No. 538 (1836), Captain Spiller, 17/8/1835, Q. 860, p. 72.

³³ CA, LG 6, Read-Stockenstrom, 5/9/1832, pp. 110-11. See Pringle, Narrative, pp. 260-61, citing George Thompson, 26/6/1831, and James Read, 10/10/1833, also BPP, No. 538 (1836), A. Stockenstrom, 4/3/1836, Q. 2329, p. 246, respecting the sale of grain. At Philipton, on 12/8/1834, another Pretorius (Maurits) extolled Ordinance 50 'which enables you to ride out barley and oats, and to make contracts for supplying the Troops', SACA, 6/9/1834.



HAT RIVER SETTLEMENT, 1830s - H. BUTLER, MUSEUM AFRICA B1163



C. C. Mitchell, 1835

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GRAHAM'S TOWN.

access.' A decade later, he lamented the settlers' dependence upon 'their agricultural pursuits for a livelihood'.³⁴

Small centres formed around the churches - those of the Reads at Philipton and Thomson at Balfour - but these lacked formal markets. Collett was first with a mill and shop at the Kat River and other British settlers followed suit.³⁵ In 1830 Jan Valentyn obtained a licence 'to keep a Store and ... bought an investment of goods to begin with'.³⁶ The fate of this venture is unclear: When Valentyn died in 1832, he owed several hundred rixdollars to Maskell, the shopkeeper at Theopolis.³⁷ From Collett we learn of barter rather than a cash-for-goods exchange (he virtuously disclaimed trading in 'ardent spirits', by which he 'lost the purchase of much of their best Produce'). In 1831 he requested that the land on which he had built his store be granted formally to him.³⁸

The nearest market towns were three days' wagon journey off - not a great distance in frontier terms but a considerable challenge for a population with a lower ratio of wagons to producers than among the colonists. Nevertheless, produce (in unknown quantities) was carried on 'miserable roads' to the market at

³⁴ CWMA, Box 12, Folder 4C, Read-Campbell, n.d. (c. August 1831); Williams, When Races Meet, p. 134, based on Read-LMS Secretary, 26/1/1841.

³⁵ CA, LG 5, Collett-Stockenstrom, 17/1/1830, p. 187. For other applicants see: LG 11, Stockenstrom-Austin, 28/1/1830, pp. 319-20; DSGEP 82, G.F. Stokes & T. Robson, 18/7/1834, also Memorial of John Bisset, 1835.

³⁶ CA, CO 373, No. 32, Read-Stockenstrom, 14/6/1830, p. 291, enclosed in Stockenstrom-Bell, 30/6/1830. At time of writing Read was at Balfour, from where he was obliged to move on Thomson's appointment to the ministry there.

³⁷ CA, LG 6, Read-Stockenstrom, 24/7/1832, pp. 106-07.

³⁸ CA, LG 6, Collett-Stockenstrom, 1/12/1831, pp. 55-56.

Graham's Town and, sometimes, to the farms.³⁹ A witness before the Aborigines Committee believed 'we were much indebted to the Kat River people for our supplies at Graham's Town during the time there was a great scarcity of forage and grain'.⁴⁰ Colonists came to the settlement for food - while putting it about that the people there were starving, Groepe claimed.⁴¹

At this distance it is difficult to evaluate prices, or fluctuations from year to year.⁴² David Jantje described dealings with the farmers, who 'always cheated him': 'Not long ago he bargained with one to give me hamels for corn, but after delivering the corn he would only give me ewes, for under the price of his corn'.⁴³ This evidence appears in the record of meetings held to protest the vagrancy ordinance of 1834 - occasions which elicited a flood of grievances, both old and new. Because no counter-evidence was voiced, may one infer that this experience was widely shared? Were the Kat River farmers targeted, or did the buyers 'cheat' all sellers when they could?

³⁹ CA, LG 6, Read-Stockenstrom, 5/9/1832: Michiel Pretorius who had already sold 100 sacks of barley to Fort Beaufort was driving wheat to Graham's Town market, p. 111; Hutton ed., Autobiography, II, p. 378.

⁴⁰ BPP, No. 538 (1836), Captain Spiller, 16/8/1835, Q. 860, p. 72.

⁴¹ In 1831 Groepe wrote: '[M]oet ik u berigt dat de Boeren zoo veel van Kat Rivier gesproken heeft als dat er zoo veelen van onze menschen zoude gestorven zyn van honger, maar het wonderd Inge-als dat en zoo veele Boeren, naar myn komt om eetbare ware te kapen', CA, LG 5, Groepe-Stockenstrom, 26/4/1831, p. 52.

⁴² In 1828 an Albany farmer reported that barley was worth Rds 10 per muid; in 1832, Kat River Khoi Michiel Pretorius received Rds 4 per muid, see CA, LG 2, Crause-Stockenstrom, 8/12/1828, p. 49 & LG 6, Read-Stockenstrom, 5/9/1832, p. 111.

⁴³ Public Meeting at Philipston [sic], 12/8/1834, in SACA, 6/9/1834. Hamels are castrated rams, or wethers.

Transport riding brought income to some wagoners. The trade in hides, tusks and timber relied on wagons, owned or hired. In 1832 Campbell waived the licence fees for settlers cutting timber for their own use (as Read had asked). Thomson proposed that Groepe be appointed forester to save the inconvenience of dealing with Piet Retief.⁴⁴ Commercial exploitation of the forests - later pursued with desperation, after two destructive frontier wars - was undertaken by a few men at this early stage.⁴⁵ The 1833 report mentions two parties - those of Dirk Hatha and Andries Pretorius - engaged in timber felling for commercial purposes. Woodcutter Maurits Pretorius had this to say:

I am an able sawyer, but must now hire oxen to bring out the block, and when it is sawn, to ride it away, and when it is brought to the market, we can only get goods, and the price they put on their goods is so high, that I have to pay Rds. 8 sometimes for a piece of voerschitz [printed calico].⁴⁶

The occupation favoured by many settlers, but consistently deplored by the officials (as it was by many missionaries), was hunting. It was blamed for failure to dig watercourses or to cultivate, thus the poor appearance of some locations was attributed to hunting in the 1833 report.⁴⁷ Also, there was the danger that hunting parties would 'give umbrage to the Caffres'

⁴⁴ CA, LG 6, Read-Stockenstrom, 24/7/1832, p. 109; 1/AY 8/83, Thomson-Campbell, 16/10/1832. Retief had been appointed forester to curb illegal cutting reported in the colony.

⁴⁵ Hinchliff ed., John Ayliff Journal, p. 97. Later, Freeman wrote, 'They are excellent sawyers, and convey the timber ... to all the towns and farms for a large distance around', J.J. Freeman, A Tour of South Africa, London: John Snow, 1851, p. 155. See also J. Rose Innes, 30 May 1851, cited Hutton ed., Autobiography, II, p. 426.

⁴⁶ SACA, 6/9/1834. Timber prices were evidently depressed: See also the statement by Andries Pretorius.

⁴⁷ See comments on the locations of Isak Prince, Dirk Peters and Amsterdam Bantam, CA, 1/AY 9/7, Detailed Report.

through whose territories they passed. When men belonging to Dirk Peters were murdered while on a hunt, Campbell wrote:

The unauthorised incursions into the Caffre country have not failed to produce fatal results to themselves, as well as to others, & on an occasion when a party were traversing the country for the purpose of shooting elephants, four of them were put to death by some of the Zoola people ... which gave rise to exaggerated reports, commotions & bloodshed which extended as far as Natal, and compelled the English traders who were settled there to abandon that place where some of them had resided in security for the last ten years.⁴⁸

Soon after these misgivings were expressed, field cornet Groepe used his discretion to permit a party of some seventeen Bastards to leave on a shoot. All, he assured the civil commissioner, had worked their land to good effect.⁴⁹

The records yield sketchy references to artisans: Lodewyk Peffer's son-in-law 'being a wheelwright is chiefly employed at his trade'. With Frans van Zint were 'expert and industrious tradesmen' - blacksmiths and wheelwrights - who lived in 'plenty and comfort'. Jacob de Klerk's 'small water mill' was working when he was visited. Blacksmiths, a carpenter and hatter were in the party of Jan Valentyn, and ex-slave David van der Vyver practised a trade.⁵⁰ Questions surround the ways in which the artisans deployed their skills. Doubtless there was work for them within the settlement. Beyond that, to what extent did they seek income on colonial farms or in the towns?

⁴⁸ CA, 1/AY 9/7, Campbell-Acting Secretary to Government, 20/12/1833. The murdered men were Stoffel Speelman, Andries Kobus and Kieviet Witbooy, Khoikhoi, and Smit Nel, Bastard-Hottentot, 1/AY 8/84, Groepe-Campbell, 10/6/1833. White hunters were also suspect, see the case of Meyer and de Lange who had called at Kat River and were thought to have used hunting as a cover for illicit trading - later judged innocent, 1/AY 13/9, Deposition of Barend Vrey, 2/8/1833.

⁴⁹ CA, 1/AY 8/84, Groepe-Cammel [sic], 14/10/1833.

⁵⁰ CA, 1/AY 9/7 & A 707(18) passim; Marais, CCP, p. 232.

Women's occupations were not noticed by officials, even when they called on families in their homes. Comments like, '[t]he head of the party has erected a commodious house which was very clean and well arranged', refer to the (invisible) labour performed by women. Near-naked 'females' seen on one location inspired the sole reference to women in the 1833 report.⁵¹ In another source we find a hint that women bore the brunt of agricultural work: '[T]hey make the women work a great deal more than the men'.⁵² Women (as well as men) appear as 'native teachers' at Kat River and elsewhere.⁵³

Particularly obscure is the role of paid agricultural labour outside the settlement. The locations which Stockenstrom marked out were in the northern portion of the 'ceded territory' and thus were distant from such work.⁵⁴ James Read Jr attributed the early settlers' perseverance in surmounting the obstacles to 'agricultural pursuits' to the lack of paid employment: 'Isolated from the rest of "the world", far from an established community to which they could let their services, no market for labour, they had to struggle hard to master these very many difficulties.' However, at a later date he indicated that some did find it necessary to go 'into the neighbourhood for

⁵¹ CA, 1/AY 9/7, No. 6, Nicolaas Eckert's party & No. 14, Brander Eksteen's party.

⁵² Hutton ed., Autobiography, II, p. 372, citing Sir George Napier's observations at the settlement in 1838.

⁵³ For LMS schools, see Read Jr-Philip, 16/11/1835, le Cordeur and Saunders eds, Kitchingman Papers, p. 158. According to Read many teachers were children themselves, CWMA, Box 12, Folder 4C, Read-Campbell, n.d. (c. August 1831).

⁵⁴ Before he turned against the settlement, Robert Godlonton wrote a favourable account in which he described it as 'singularly isolated', Hutton ed., Autobiography, II, p. 405, citing The Graham's Town Journal, 27/6/1832.

employment among the Boers'.⁵⁵ A Philipton man, referring to off-settlement farm labour, claimed that 'we can get little for our work; if we hire ourselves we get at the most 9d. per day, perhaps only 6d., which cannot clothe us' or buy sufficient food.⁵⁶

Of the 317 contracts recorded in Uitenhage between 1828-34 (see Chapter 9), just one appears to have involved a Kat River settler.⁵⁷ Respecting Albany and Somerset, where workseekers would more conveniently have gone, the registers have not been found. The correspondence shows one settler of four years' standing who took work in Graham's Town 'to get a little money'.⁵⁸ Once subsistence from their own agriculture or other independent pursuits was more or less assured, it seems less likely that the settlers sought employment of this type. On the other hand, cash wages are a safety net for families based in an unstable agricultural environment.

Tax policy became an early grievance. At the Philipton meeting on 12 August 1834 to protest the vagrancy ordinance it was said: 'We were promised - in fact our circumstances led us to expect - that we should not have to pay "opgaaf" for some years - but lo! we had to pay every year to the present time.' Another declared:

⁵⁵ Read Jr-Philip, 16/11/1835, in le Cordeur and Saunders eds, Kitchingman Papers, p. 157; Read Jr-Tidman, 28/2/1848, cited by Kirk, 'Progress and decline', p. 418.

⁵⁶ 'Mr. Daniel Klien [sic] Hans' at the Philipton meeting on 12/8/1834, SACA, 6/9/1834. It is not clear if other speakers were referring to the current situation or the past, e.g. 'Mr. Carol Laurance' who complained of in-kind payment.

⁵⁷ CA, 1/UIT 14/11, No. 307, Jan Windvogel, 18/3/1834.

⁵⁸ CA, 1/AY 8/85, Daniel Bretagne-Campbell, 30/8/1834, pp. 435-36; 1/AY 9/19, Campbell-Hertzog, 12/9/1834, p. 264. Bretagne appealed for recognition of his allotment, having been absent when the Kat River survey was carried out.

`By riding the patrol we had little time to attend to our work to get money for the opgaaf whilst we had to ride our horses almost dead. Was it so with the Settlers? No ...'. Read Sr alleged that the delays in measuring erven had forced poor individuals to sell a cow or ox to meet the tax. The only British settler present affirmed: `I ... got rations, tools, spades, and picks to work, and did not pay any opgaaf for 3 years; but you have had everything to pay for from your labor, and also to pay opgaaf from the first year.'⁵⁹ The `loud applause' which followed these remarks reflected the Kat River people's view that their treatment contrasted lamentably with privileges the 1820 settlers had enjoyed.⁶⁰ No one could take up a grant unless the opgaaf had been paid.⁶¹

Godlonton - whose opinions were widely circulated and believed - erred when he claimed that the settlers were exempted from the opgaaf until 1832.⁶² In February 1831 - a bare twenty months after the first settlers arrived - Thomson advised that they could not afford the tax which was due in March: `[T]he disposable surplus is comparatively small and in the hands of a few.' As a result of his appeal, the government postponed (but did not cancel) the collection, which was included with the

⁵⁹ SACA, 6/9 & 10/9/1834.

⁶⁰ See e.g. `A Hottentot Settler', The Graham's Town Journal, 28/2/1833.

⁶¹ `A Friend of the Truth', The Graham's Town Journal, 28/8/1834. This writer argued that no one should have been taxed until the `second or third year after they had received their lands'.

⁶² Robert Godlonton, A Narrative of the Irruption of the Kaffir Hordes into the Eastern Province of the Cape of Good Hope, 1834-1835 ..., Cape Town, C. Struik, 1965, p. 46, n*.

following year's tax.⁶³ Before he turned against the settlement, Godlonton himself admired the large amount (Rds 2 300) collected there in 1832.⁶⁴

Government

For the first three years the chain of command respecting civil matters was, in effect, direct from commissioner-general Stockenstrom to party heads, with Christian Groepe senior to the rest as a provisional field cornet.⁶⁵ Heads of locations arbitrated petty disputes which, if unresolved, went to the magistrate in Graham's Town.⁶⁶ When Stockenstrom left the eastern Cape, having determined to resign his post, Campbell promoted Groepe to field cornet - he having served as such from 'the first establishment of that settlement'. The settlers took orders from Somerset on matters of defence, with a Khoi captain (Cobus Boezak, to start) in charge until the field commandant could reach the scene.⁶⁷ In 1830 when Kat River men were called on to defend the border, Stockenstrom requested a responsible officer

⁶³ CA, LG 6, Thomson-Stockenstrom, 16/2/1831, pp. 83-85; LG 1, Bell-Stockenstrom, 25/2/1831, p. 171. For Godlonton's still-distorting version of this event, see the Editorial, The Graham's Town Journal, 18/9/1834.

⁶⁴ Hutton ed., Autobiography, II, p. 411.

⁶⁵ See e.g. CA, LG 11, No. 25, Stockenstrom-Groepe, 10/2/1830, p. 328. Though Stockenstrom spoke of appointing party heads (Autobiography, II, p. 359) he - more accurately - confirmed them.

⁶⁶ Read wrote that 'they have their own Field-cornets who settle all affairs', CWMA, Box 12, Folder 4C, Read-Campbell, n.d. (c. August 1831). It is unclear if these 'Field-cornets' were recognised officially, see n. 65.

⁶⁷ CA, LG 11, No. 100, Stockenstrom-Bell, 1/7/1829, p. 233; CO 373, No. 56, Provisional Regulations, pp. 468-72. In 1834 Piet Camphor was appointed provisional field cornet, 1/AY 8/85, Armstrong-Campbell, 15/9/1834, p. 457.

to head them saying, 'I doubt whether it would be quite safe to leave the command of such a station to one of themselves'.⁶⁸

Coincidentally, as Stockenstrom expressed his doubt, Judge Menzies of the Supreme Court reported his impressions after visiting Kat River. He was complimentary on the whole and ended with these remarks:

So far as I could form an opinion, the Hottentot Settlement on the Kat River does not, at present, require any magistrate to be appropriated to it, and they seem quite capable of managing their own affairs without the interference of any European or white person. No affair can require to be treated with greater delicacy and caution than the introduction among them of any person having any authority of any kind whatsoever over them, for on the discretion and good sense of that person would, in a great measure, depend the future success of an experiment which has hitherto been attended with complete success.⁶⁹

Of interest here is Menzies' view that the settlers could best govern themselves. When Marais looked for reasons for the collapse of the 'experiment' (after the 1851 rebellion), he concluded that a crucial mistake had been that

[t]he Government entrusted the management of the settlement's affairs to a few of the Coloured colonists ... Though ... carefully chosen, they should not have been left without European supervision, and the Government should have taken steps to support their authority.⁷⁰

In fact, 'European supervision' was present in some form from the start and its influence, once a Justice of the Peace was active

⁶⁸ CA, LG 12, No. 72, Stockenstrom-Commandant of Caffraria, 19/5/1830, p. 121.

⁶⁹ Hutton ed., Autobiography, II, p. 365. In the 1850s, Stockenstrom embraced this judgement with habitual vigour but his endorsement was concerned less with Menzies' points than with his own opinions about (white) officials who exploited their offices at the Khoisan's expense, ibid.

⁷⁰ CCP, pp. 220-21.

on the spot, was less propitious for the settlement's social and political health than this assessment suggests.⁷¹

In January 1834, Captain A. B. Armstrong of the Cape Mounted Rifles, an officer on full pay at the Kat River Post, took up the duties of a JP with instructions to devote one day a week to his new task.⁷² To justify Armstrong's appointment, acting governor Wade adduced the inconveniences attached to settling disputes among the vastly increased numbers of settlers (from an initial 300, to 2 185) and the ingress of 'foreigners' - in his view 'idle dissolute vagabonds' for the most part.⁷³ A month after his appointment Armstrong asked what authority he had in settling party heads' complaints, and pressed for a constable and messenger to aid him in his work.⁷⁴ As JP he reported to Campbell who, with the rationalisation of district offices which took effect on 1 July 1834, was magistrate as well as civil commissioner and acting commissioner-general.

⁷¹ An unnamed observer remarked (c. 1832) that the settlement had no "magistrate, lawyer, attorney, doctor, quack, or apothecary; and the opinion is that the longer the appearance of such personages is delayed the better", Kay, Travels and Researches, p. 414. Later it was reported that the settlement, without canteens or magistrate, was 'tolerably peaceful', 'A.B.', The Graham's Town Journal, 20/6/1833.

⁷² CA, CO 5111, Brink-Armstrong, 27/12/1833, p. 365.

⁷³ CA, GH 23/10, No. 2, Wade-Stanley, 4/1/1834, pp. 306-10. Armstrong was chosen on grounds of proximity, knowledge of the Xhosa and Khoisan, and not requiring full salary and staff allowable to magistrates.

⁷⁴ CA, 1/AY 8/85, Armstrong-Campbell, 22/1/1834; CO 2749, Armstrong-Brink, 6/1, 21/1 & 10/2/1834. The home government confirmed his appointment as 'Magistrate of the Hottentot Settlement' but warned against appointments ahead of its approval, GH 1/100, No. 1441, Spring Rice-D'Urban, 10/6/1834, pp. 22-23 (see CO 5831, Government Advertisement, published Government Gazette, No. 1541, 3/7/1835).

Concerning these arrangements, surveyor W. F. Hertzog played a vital part, which has been generally overlooked.⁷⁵ Appointed in 1831 to survey land for allocation to approved residents, Hertzog was strategically placed to be the eyes and ears of government, a function he embraced. During his first stint in the settlement, before leaving temporarily for other work, he was under Stockenstrom's orders.⁷⁶ When he returned in 1833, Stockenstrom had left and he reported to Campbell. His biographer, J. C. Visagie, asserts that the real burden of executing government policy fell on Hertzog's shoulders. To characterise his subject, Visagie wrote: 'Ordelikheid en reelmaat was hier en deurgaans die landmeter se oogmerk.'⁷⁷ However irreproachable these standards were and are, the context - heeding Menzies' earlier advice - meant that they could not be simple instruments for good.

Armstrong's appointment was due in part to Hertzog's request. An incident induced him to ask how he could 'prevent further insolence': Order required a magistrate and 'separate rules ... especially for this place'.⁷⁸ Already, Cole had informed the home

⁷⁵ My investigation of Hertzog's role was much assisted by the discovery of J.C. Visagie's 'Willem Fredrik Hertzog, 1792-1847', M.A. dissertation, University of South Africa, January 1971.

⁷⁶ CA, DSGEP 82, Bell-Stockenstrom, 17/5/1831. Hertzog came first in May 1831 and recommenced in June 1833. His appointment followed government approval of Stockenstrom's plans for laying out villages and confirming allotments.

⁷⁷ 'Hertzog', pp. 168, 172: 'Order and regularity were here and throughout the surveyor's object.'

⁷⁸ CA, 1/AY 8/84, Hertzog-Campbell, 25/11/1833. Hertzog evidently had in mind more stringent regulations than those which Stockenstrom had framed. The close collaboration of Armstrong, Hertzog and Thomson will be discussed. One example of shared understanding may be mentioned at this point: After Hertzog returned to Cape Town, Armstrong solicited his help in employing a clerk - a bi-lingual 'young Dutchman ... one without any prejudices as to the Kat River settlement. In short, you know the

government that Stockenstrom and others were convinced that the settlement 'cannot long be conducted with good prospects of success, or even with safety to the Settlers, without the presence of a Justice of the Peace'.⁷⁹ Menzies, who had warned against allowing 'any European or white person' to take command and steer the project from its course, was said in 1834 also to recommend appointing a Justice of the Peace.⁸⁰

From time to time the Journal argued for a magistrate⁸¹ but the editor pronounced Armstrong's appointment 'objectionable in every point of view'. In brief, his objections were about assigning civil duties to a man who merely would 'come galloping down once a week from a military post'. The task, he thought, demanded the incumbent's full attention, without conflicts of interest - civil ~~vs~~ military - which Armstrong's double duties must entail.⁸² This cavil was dropped - perhaps due to the change of editors around this time.⁸³

An example of the exercise of discipline within the settlement occurred when Groepe allowed Antonie Pieterward, who arrived 'from the prison' in 1832, to settle at the Blinkwater. In the course of his 1833 inspection, Campbell found out that he was 'harbouring Cafirs' and ordered Groepe to evict this 'bad subject' at once. Pieterward defied eviction with the retort

sort of young man who would suit'.

⁷⁹ CA, GH 23/10, No. 17, Cole-Goderich, 4/4/1832, pp. 39-40. Cole disapproved appointing the clergy to such posts.

⁸⁰ CA, GH 23/10, No. 2, Wade-Stanley, 4/1/1834, p. 310.

⁸¹ Visagie, 'Die Katrivier nedersetting', p. 96.

⁸² The Graham's Town Journal, Editorial, 23/1/1834; see also 'Miles', ibid., 6/2/1834, defending the appointment.

⁸³ Robert Godlonton took over from L.H. Meurant.

`that all the Land has been resolved for the Hottentots and he will remain'. Campbell sent Groepe, Valentyn and others to destroy his hut and drive his cattle to the pound. In the event, they razed the hut (`on account of his obstinacy') but neither impounded the cattle nor expelled Pieterward himself.⁸⁴

This is a rare example of (proposed) strong measures, for other than a criminal offence, taken against Kat River Khoisan at this early stage. However, the course Campbell authorised fell short of the desired result. Why did Groepe and his party not carry out the civil commissioner's orders to the letter? Soon after this confrontation, Pieterward spoke out:

... before the 50th Ordinance we were like the foxes; - but the foxes have holes where they are at rest, which we had not - I at one time went from Pacalsdorp [sic] to Grahamstown; - a Settler met me on the Street, apprehended me, and put me in Prison, and I had to pay Rds 22 prison expenses which was paid by the man who bought me out - I moreover lost my horse during my confinement in prison which cost me Rds 75, and two oxen - and therefore I fear when I hear of the Vagrant Law.⁸⁵

These claims may well have carried weight with fellow settlers - including Groepe, even if he was affronted by Pieterward's defiance as seems to have been the case.

Marais' lament that `management' of the settlement was left `to a few of the Coloured colonists' relies very much on an assumption - not seeming to need proof - that all must be unfit. Equally, it underrates the `supervision' actually in place.⁸⁶ Here we see a high-ranking (white) official in close touch with

⁸⁴ CA, A 707(18), Party No. 22; 1/AY 8/1/1, Groepe-Campbell, 4/5/1834.

⁸⁵ CA, A 50(4), Report of a Meeting held at Philipston [sic], 5/8/1834.

⁸⁶ Marais is rather vague about the actual `management' of the settlement, CCP, p. 221, n. 3.

(coloured) subordinates on the spot, but an outcome which suggests that his understanding of the settlement's dynamics did not equip him to impose solutions with success. A few months later the (white) JP, Armstrong, complained that Read wished to 'persuade the people belonging to his Institution, that they ought to be governed by their own Magistrates selected by themselves'. Were Armstrong, or Read himself, aware that the sober Menzies had argued for self-government akin to this?⁸⁷

The interference Menzies had warned against was the reality - not the neglect which Marais diagnosed. But Menzies' was a singular (and inconsistent) voice, while Read's attempt to press his point was doomed to failure - though he was not yet fully awakened to that fact. When comment was sought on a draft bill to create Municipal Boards, Armstrong asked if it could be adapted to suit conditions at Kat River. His purpose was to terminate the 'underhand influence which is now exercised over the greater number of ... [the settlers] in despite of every effort to control them'.⁸⁸ By this, Read was meant (see the discussion of 'party spirit' below).

In June 1834 the government was asked to give the settlement a Matrimonial Court. The request rested on morality: The round trip to Graham's Town took eight to ten days by foot, unless a wagon were hired at considerable cost, and thus many failed to legalise their marriages.⁸⁹ D'Urban assented, and agreed also to waive

⁸⁷ CA, CO 4382, Armstrong's Memorandum, 23/7/1835.

⁸⁸ CA, 1/FBF 6/1/1/1, Armstrong-D'Urban, 8/6/1836, and enclosed memorandum, pp. 44-45.

⁸⁹ CA, 1/AY 9/7, Campbell-Acting Secretary to Government, 13/6/1834, pp. 172-73. For marriages registered in Graham's Town see 1/AY 8/84, Dyason-Campbell, 13/8/1833 (the fact that Kat River - mainly Bastaard - marriages were distinguished by a red "X" may be the result of an inquiry concerning their attendance).

the normal fee.⁹⁰ Hendrik February of the Kat River and Mari Joris, born at Bethelsdorp, were first to appear before the court, which seems to have got off to a slow start.⁹¹ Antipathies among the whites surfaced on this issue too: Thomson had taken the initiative and Armstrong informed the governor that Read had not exerted himself 'to forward marriages ... but allowed of numbers of his flock living in a state of concubinage'.⁹²

The legality of pre-existing relationships continued to prove problematic, with implications for the status of children born of the unions. Thomson gave the examples of Michiel and Sina Pretorius, who had their banns published at Theopolis but had not attended the Court, and of Claas Barend and Margarita Ekkert who had produced several children before contracting a legal marriage. The children of the latter pair were deemed legitimate, but those of the former were not.⁹³ Legality became important too in connection with state-administered benefits. For example,

⁹⁰ CA, CO 433, No. 115, Kat River DRC Memorial, 10/12/1834 & marginal note, 27/12/1834, pp. 545-47; CO 5831, Establishing a Board for the Registration of Marriages at Fort Beaufort, 25/6/1835; 1/AY 8/86, D'Urban-Armstrong, 23/7/1835, p. 590, respecting fee waiver. In Cape Town where 'many of the coloured people are in very comfortable circumstances' waiver was 'discretionary', CO 443, No. 56, Beck-Bell, 25/9/1835.

⁹¹ CA, 1/BBF B1/1/1, Matrimonial Court. From the first appearance on 17/10/1835, seven more Khoi couples (besides non-Khoi couples) obtained marriage certificates by the year's end. In all these cases, fees were waived.

⁹² CA, CO 4382, Armstrong's Memorandum, 23/7/1835. Armstrong believed Read could not exert moral influence over his congregation because of his adultery twenty years before.

⁹³ CA, 1/AY 8/86, Thomson's Memorandum, 22/6/1835, pp. 487-88.

women widowed during the 1834-1835 war had to produce certificates to qualify for monetary help.⁹⁴

For the mass of settlers at this early stage the church was the principal structure in which they aspired to office. The Kat River clergy were relieved of secular (or 'magisterial') duties which the missionaries carried out at institutions like Theopolis and Bethelsdorp, but the internal structures typical of each denomination remained intact.⁹⁵ In Thomson's Dutch Reformed Church the deacons and elders were chosen from the prominent Bastards.⁹⁶ It is not clear to what extent Kat River women attained recognition through the church.⁹⁷

The Kat River settlers as seen by their monitors

The scrutiny to which the settlers were subjected suggests an institutional atmosphere, as in reformatories or schools - unlike the management of the British settler scheme with which it sometimes is compared.⁹⁸ In 1831, Stockenstrom produced a set of

⁹⁴ CA, Co 3979, Memorial of Rachel Kees, 26/9/1835, see Civil Commissioner's report, 8/12/1835.

⁹⁵ Philip's biographer, Andrew Ross, points out that as a result of Read's call by a party of the settlers, and his 'ordination to full ministry of Word and Sacraments', the church at Philipton must count as the first 'congregation of the Christian Church in the full legal and ecclesiastical sense' among the indigenous people at the Cape. See Ross, John Philip, pp. 120-21.

⁹⁶ See e.g. CA, CO 433, No. 85, Thomson-Bell, 26/11/1834, p. 272.

⁹⁷ At Pacaltsdorp the role of women was recorded more as a complaint against the men when it was said that 'the women take the lead in most things', Hood-Kitchingman, 19/12/1833, in le Cordeur and Saunders eds, Kitchingman Papers, p. 121.

⁹⁸ Marais writes: 'Of all the Hottentot "institutions" it was the only one for which the Government made itself directly responsible' - likening it in some respects to the Namaqualand and Bushmanland reserves, CCP, p. 217.

rules with which the applicants for title must comply, which Hertzog sought to execute (for certain of its clauses, see above).

A very few earned Hertzog's praise: '[A]n industrious family', 'particularly recommended', 'an actif man, deserving an Erf'. Negative remarks are far more numerous: '[U]nruly', 'a bad man', 'insolent', 'not to be trusted', 'lazy, seldom at home', 'a troublesome man constant quarling [sic] with others on the place', 'having done nothing by which they could be recommended', 'in dispute with his neighbours on acct. of his wife', 'has no property, kills sheep', 'never paid his opgaaf', 'lost his right, having left the place to the Griquas without permission', a 'most impudent, rough man, insolent, and less educated than the most common Hottentot'.⁹⁹ This last refers to the Bastard, Jacob de Klerk. Hertzog's verdict is of interest for his (disappointed) notion of Bastard superiority over 'Hottentots', and for the fact that the 'impudent, rough ... insolent' man was a deacon in Thomson's church.¹⁰⁰

The Bastard party of Jacob de Klerk is interesting on another count. The fact that Kat River was reserved for people of colour presented problems for groups where there were whites. The white farmer Mattys Klein was married to de Klerk's daughter Sophya. Another son-in-law, Christiaan Zwanepoel, was the son of the white farmer Kobus Zwanepoel and his Bastard wife. Both Zwanepoel Sr and Klein entered Kat River with the de Klerks. When Sophya asked that an erf be granted in her name, 'Kleyn being a European', the grant was approved - but in her father's name, not hers. Zwanepoel was, initially, refused a grant.

⁹⁹ CA, A 707(18), List of diff. Persons applicants for Land in the Cat River Settlement classified in Parties with their Heads, &c &c.

¹⁰⁰ CA, CO 433, No. 85, Thomson-Bell, 26/11/1834, p. 272.

Another white applicant, Jan Las - son-in-law to Bastard party head, Jacobus Loots - was turned down too, 'not being in the terms that land could be given to him in the Settlement'. At length, Las was shunted from Loots' location to a grant on the Mankazana. This he accepted despite the fact that he 'partly is afraid to be solitary in the Macasana [sic] for his family, when absent' - an understandable anxiety about a well known trouble spot. Frans Siebrits, who was Lodewyk Peffer's son-in-law, and Martinus Gilmers who was brother-in-law to Christian Groepe, were among the white inhabitants whose applications were in doubt.¹⁰¹ It is pertinent to note that family units held firm where policy could well have driven them apart. As land was hard to come by in the case of poorer whites, such individuals seem to have been content to ride the coat-tails of their relatives who were privileged in the settlement.

The reports speak of quarrelling among settlers. Most of David Jantjes' party was said to have left 'from the oppressive mode with which ... [he] treated them, to enlarge his land' at their expense. Despite this, the inspectors were impressed: '[A]s much industry has been shewn by this party as any in the settlement'. The 'criminal and atrocious' behaviour of one brother to another - revealed as adultery when the matter came to court - marred an otherwise admiring account of progress by the Van Beulen party.¹⁰² 'Quarrels and litigation' followed livestock trespass - 'inevitable', it was acknowledged, given the proximity of homesteads in the settlement.

¹⁰¹ CA, A 707(20), Lyste van persone met Aantekeninge oor hulle aansprake op grond en erwe in die Katriviernedersetting c. 1831-1834. Missionaries, their children and a few other names appear also on this list. Gilmers, who was described as a 'Schoolmaster from Cape Town' with Kupido Davids' party, died on 5/4/1834, A 707(18), No. 15 & MOOC 6/9/2, No. 304/34.

¹⁰² CA, 1/AY 13/9, Depositions, 1833, Martinus van Buuren Hott. Kat River and Hendrik van Buuren's wife for Incest.

Thumbnail sketches of some residents appear in the reports: Michiel Pretorius was 'an active bustling man' whose followers 'were successful cultivators' but Booy Bergman was dismissed as party head 'for disobedience'. His people were 'ill clothed and squalid', with 'wretched' huts: 'They are in the habit of making hunting parties to the Bonte Bock Flat, which engenders idle habits.' Brander Eksteen, another party head, was 'old and sickly - he had no clothing on except an old bed cover, and The females were much in the same state'. Yet this party was industrious and made satisfactory progress. Jacob de Klerk, who came off so badly in Hertzog's report, was said by Campbell to head a party notable for 'plenty, comfort and content'.¹⁰³

The settlement served sometimes as a stepping-stone to the communities beyond the Gariep. Hertzog reported that Willem Karels, from Philip Stuurman's party, had crossed the river without permission and forfeited his right to an erf.¹⁰⁴ In 1834 the numerous Vigeland family, with '3 wagons and a quantity of cattle and sheep', left the settlement after just a few months. Peffer caught up with them and turned them back as the party had a slave woman with her child - forbidden to be taken from the colony, with emancipation in the offing. The party's excuse, that a Bamboesberg farm had been bought, was judged 'a pretext' for their joining around 200 wagons already beyond the boundary.¹⁰⁵

¹⁰³ CA, A 707(18), Nos. 20, 45; 1/AY 9/7, Nos. 11, 14 (sole reference to 'females'), 18, 21, 24, 44 & Campbell-Acting Secretary to Government, 20/12/1833, pp. 111-13.

¹⁰⁴ CA, 1/AY 8/84, Hertzog-Campbell, 25/11/1833. When post facto permission to leave the colony was sought by several Bastaard-Hottentots in 1829, the governor warned 'that the Penalty affixed by law will be enforced if they re-enter the Colony without previous Permission', CO 3943, Memorials, H-M, No. 434, 14/9/1829.

¹⁰⁵ CA, 1/AY 8/85, Armstrong-Campbell, 8/4/1834, pp. 215-16, 221-22.

Like other farmers, propertied Khoisan looked out for niches for their stock: Read described the ebb and flow of mission populations as opportunities for pasturage cropped up.¹⁰⁶

The records present data for statistical studies, for example, regarding family size. This has implications for inheritance, especially the division of land in the settlement. The running record of land survey and allocation includes the arrangements widows made for children who, in several cases, numbered six or seven (2,2 to 2,4 was average, according to Visagie).¹⁰⁷ The only entry of substance concerning women focused on the reproductive role: Hans Smit's wife, who had borne many children including several sets of twins, 'is still a good healthy looking woman, only grey-haired, and has together twinty [sic] children out of this single union or marriage - this is a very extraordinary case among Hottentots and deserves notice - there are still 12 children living'.¹⁰⁸

The case of Andries Botha deserves attention in some detail. Singled out by Stockenstrom for preferential treatment, along with the two Valentyns, he was no favourite of Hertzog's:

Different remarks has been made, that Andries Botha and the most of his old people has not done anything to improve their land, neither in cultivation nor the good appearance of their Erven - that no beacons are erected ... by which this place has a worse appearance than any in the Settlement - on these remarks, Andries Botha replied that He does not see the necessity or utility in doing so - He Botha has not ever removed from the old House to his proper land.¹⁰⁹

¹⁰⁶ Read Sr-Ellis, 3/7/1834, in le Cordeur and Saunders eds, Kitchingman Papers, p. 140.

¹⁰⁷ 'Die Katriviernedersetting', p. 83.

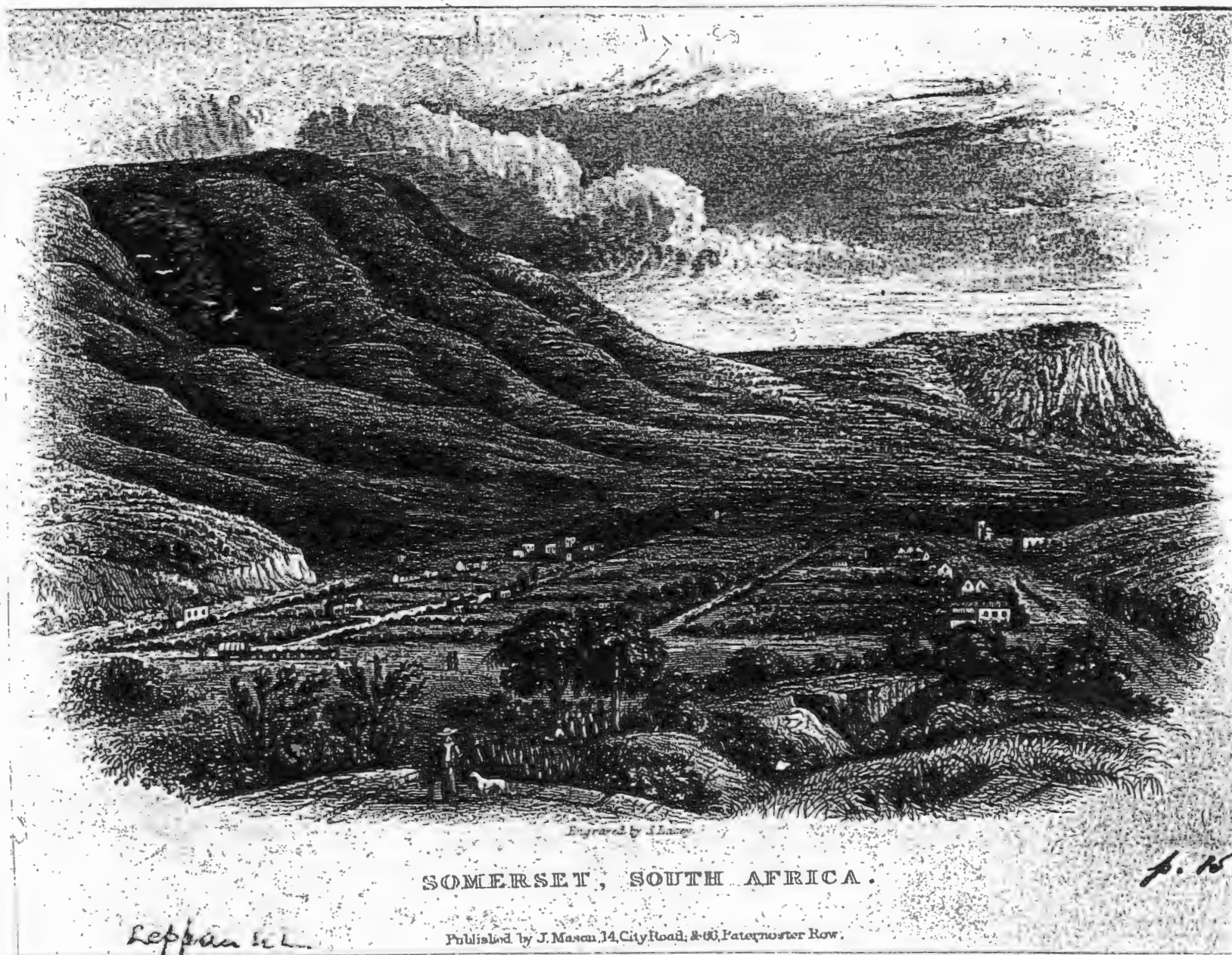
¹⁰⁸ CA, A 707(18), No. 39.

¹⁰⁹ CA, A 707(18), 1834.



Andries Botha.

ANDRIES BOTHA CAME TO PROMINENCE AT SOMERSET FARM



SOMERSET, SOUTH AFRICA.

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From: THORNLEY SMITH, SOUTH AFRICA DELINEATED

1850

This is mysterious: Read noted the progress at Botha's place in 1832, and Campbell's 1833 report described a water course 'completed 2 years back 850 yards in extent'. Moreover, the party kept 'an average quantity of land under cultivation'. It was, however, noted that Gonaqua attached to Botha had not been properly admitted to Kat River as they claimed.¹¹⁰

Botha would become a cause celebre in his old age, when Stockenstrom and others defended him against the sentence of death which was imposed for alleged treason during the 'eighth' frontier war.¹¹¹ Visagie contends that Hertzog had a deeper insight into 'Hottentot' character than Stockenstrom, and gives their opinions of Botha as a proof.¹¹² There would be little profit in entering into this were it not that Botha's story sheds light on the conditions of existence in Kat River in these founding years.

With his wagon and plough, his fifteen oxen, horse and many cattle, a family which included grown sons, and the second largest party of armed men, Botha was among the best provided of the pioneer settlers.¹¹³ Kirk describes him as the leader of

¹¹⁰ CA, 1/AY 9/7, Campbell's 'Detailed Report ...' 1833, Party No. 43; LG 6, Read-Stockenstrom, 5/9/1832, p. 111.

¹¹¹ This crisis, and his many years of loyal service to the colony beforehand, are the subjects of most discussions of Botha, see e.g., DSAB, III; Marais, CCP, pp. 236, 243-44. In early life Botha had been employed at Somerset Farm, and lived at Theopolis from where he moved to the Kat River. The DSAB (Vol. III) and other sources state that he died while still in prison but it appears he was reprieved and survived many more years, see At van Wyk, Die Ou Man in Kettings - vier swart "verhale", Cape Town: Saayman & Weber, 1988, Chapter 1.

¹¹² 'Hertzog', pp. 169-71.

¹¹³ CA, 1/AY 8/81, Return of Hottentots ... 22/12/1829. On entry the party had 21 men, 13 women and 36 children; by 1833 it had grown to 172 men, women and children.

`Gonaqua Khoi ... whose kinship with the Xhosa set them apart from their coloured brethren'.¹¹⁴ The Gonaqua, Kirk maintains, were conspicuous for retaining clients who, for the most part, served them as herders. Indeed, the 1833 report confirms that Botha's official party, already large as noted, had acquired 146 `foreigners' - a number matched only by Stoffel Boezak's party (most had no clients).¹¹⁵ In 1833, Campbell reported that Botha `has been quarrelling with these people and is now confined in the prison in Graham's Town, for an assault on one of them'.¹¹⁶ The inference is that Botha was on bad terms with his clients but that seems doubtful. Almost certainly the quarrel involved Andries Botha the younger, and not the party head. In September 1833, that Andries was sentenced to eighteen months' hard labour for culpable homicide but, on the recommendation of Cape Corps officers under whom he formerly had served, he was released to accompany Captain William Edie on the expedition to the interior led by Dr Andrew Smith.¹¹⁷

¹¹⁴ Kirk calls Botha `a Gonaqua', `Progress and Decline', p. 412; elsewhere it is said that he was married to `a Gonah', CA, CO 4382, Armstrong-Smith, 20/2/1835.

¹¹⁵ `Progress and Decline', pp. 413-14, 416; CA, 1/AY 9/7, Campbell's `Detailed Report ...' 1833, see tabulated population return showing Botha's `foreigners' as 16 `Fingos', 51 `Bechuanas' and 79 `Gonahs'. `Bushmen', `Mantatees' and `Caffres' were also among the population noticed there, ZL 1/3/11, Box 13, Folder 3B, Christie's report, 3/6/1833.

¹¹⁶ CA, 1/AY 9/7, Campbell's `Detailed Report ...', 1833, Party No. 43.

¹¹⁷ Botha was indicted for assault on 30/4 and sentenced by the Circuit Court on 25/9/1833, CA, 1/AY 13/9, Depositions, Klaas Stuurman, 29/3/1833, and others, 23/4/1833, also Circuit Court report, The Graham's Town Journal, 3/10/1833; CO 3698, Memorials, A-B, No. 142, 4/4/1834 & CO 4328, No. 153, Andries Botha's application for remission of sentence, 4/4/1834; CO 5303, Brink-Committee of Management, 15/4/1834, p. 66. On the Smith expedition he was mauled by a lion and died, William F. Lye ed., Andrew Smith's Journal of his expedition into the interior of South Africa/1834-36, Cape Town: A.A. Balkema, 1975, pp. 10, 261,

Botha appears to have been suspect in some quarters through perceived shortcomings with respect to policies concerning admission control, crop farming in preference to pastoral pursuits, cooperative production by party members rather than with servants/clients, and progress in 'civilisation' - represented, typically, by a substantial house.¹¹⁸ Kirk states that it was Stockenstrom who placed Botha in charge of certain Gonaqua who had been attached to the expelled Xhosa (others entered later on).¹¹⁹ Beyond that, the fact of friends and relatives among the Xhosa was one source of the distrust which dogged the 'Gonah' settlers (ethnic rifts within the settlement are discussed below). Gonaqua Andries Stoffel contrasted his situation with the colonists': 'They go everywhere for their advantages, even over the boundary - but I am not allowed to visit my relations in Caffreland.'¹²⁰

The Gonaqua connection was paramount in Botha's relations with government - particularly the officials on the spot, Armstrong and Hertzog. For the latter it threatened ordelikeid. In Armstrong's case, the frontier war of 1834-1835 released his

262-63, 270, 282.

¹¹⁸ In 1831 a colonist who knew Botha well slept there without remarking that it was less than a 'proper' home, CA, 1/AY 8/83, 'Inquiry into reports ...' 1/1/1832, Declaration of Lieut. John Devenish. From 1834, building with clay instead of with brick or stone was allowed, 1/AY 8/85, Bell-Hertzog, 3/12/1834, p. 543.

¹¹⁹ 'Progress and Decline', p. 412. Botha was present at a meeting in January 1851 when Read reminded some Gonaqua that, in 1829, they begged Stockenstrom to let them live in the settlement rather than remain among the Xhosa, Andries Stockenstrom, Light and Shade, Cape Town: Saul Solomon & Co., 1854, p. 86. On this issue see CWMA, Box 14, Folder 1C, Read, 3/7/1834 and also CA, CO 2742, No. 110, Campbell-Bell, 12/7/1833, pp. 426-27, where Campbell is unsure by whose orders they were admitted.

¹²⁰ CA, A 50(4), Report of a Meeting ... 5/8/1834.

darkest thoughts concerning the 'fidelity' of some Kat River people¹²¹ - and of Botha above the rest. The circumstances of his appointment as a field cornet will be discussed. Much later it was said that Botha had been the 'favourite of the people' and 'the best of the Kat River Fieldcornets'.¹²²

The settlement was monitored by others than officials who had been assigned the task. In 1832, 'A Farmer' asserted that its neighbours for sixty miles around knew well that every vice abounded there. 'E.F.' saw merit insofar as the Kat River 'Hottentots' were superior to those others who had remained behind but wished 'the whole race could be removed beyond the limits of the colony'. 'J.C.', a 'constant visitor', came to the settlement's defence, saying he saw no drunkenness and that convictions for theft were rare.¹²³ This was the year when a Temperance Society was formed, Read and his family having pledged to set the example by refraining from drink.¹²⁴ Read wrote:

Very soon after our arrival here the subject of temperance societies became known. By accident I got some tracts in hand, the importance of which I felt most deeply, and I was determined to make a trial among our people and succeed beyond all expectation. The Reverend W. Thomson, who had been appointed by government as Dutch clergyman among the Hottentots, united also, and exerted himself so that we got a Society established and some hundreds of members in a

¹²¹ See CA, CO 4381, Campbell-Bell, 4/1/1835.

¹²² Marais, CCP, p. 244, n. 5; Hutton ed., Autobiography, II, p. 380.

¹²³ See The Graham's Town Journal: 'A Farmer', 29/6, 27/7 & 31/8/1832; 'E.F.', 10/8 & 31/8/1832; 'J.C.' (James Collett, who had sold his store), 20/7/1832. This correspondence followed Godlonton's largely favourable account of 8/6/1832.

¹²⁴ James Backhouse, A Narrative of a Visit to the Mauritius and South Africa, London: Hamilton, Adams, & Co., 1844, pp. 186-87. See report of the second anniversary meeting on 20/3/1834, The Graham's Town Journal, 10/4/1834. The speakers were Thomson, the Reads Sr and Jr, Andries Stoffel, Piet Bruintjes, Gert Samson, Martinus Appel and Hans Noeka.

short time, and have now increased to 1600. This helped the cause of God among us greatly, and not long afterwards it pleased God to give visible proofs of a gracious work of conversion among the people.¹²⁵

The temperance movement was discussed in Chapter 9.

Panic on the eastern frontier

Glimpses of lived experience appear in the record of a panic which peaked at the close of 1831. The rumours of impending oproer sprang from the prejudices, wavering allegiances and fears endemic to the eastern frontier: Kat River settler and colonist, Khoisan and Xhosa, Xhosa and colonist, 'Hottentot' and Bastard, English and Boer, and, within these groups, the well-provided and 'respectable' versus the declasse of one's 'own kind'.¹²⁶

An extraordinary aspect of the 1831 panic was the variety of rumours simultaneously in circulation. According to one, Kat River men became enraged when, at a sale of stock belonging to Stockenstrom, the white bidders were granted long-term credit which the Khoisan bidders were refused. In his account of the sale, Kirk draws on Godlonton who says that G. E. Joseph (a Somerset merchant who served as auctioneer) ruled that the Kat River men put up the cash as 'they possessed but little property'.¹²⁷ However, the rumours circulating at the time blamed Stockenstrom himself. His absence from the sale¹²⁸ made room for

¹²⁵ Read Sr-Ellis, 3/7/1834, in le Cordeur and Saunders eds, The Kitchingman Papers, p. 142.

¹²⁶ Few antipathies were fixed or permanent and adversaries, e.g. Xhosa and Khoisan, could become allies.

¹²⁷ Godlonton, A Narrative of the Irruption of the Kaffir Hordes, see 'Introductory Remarks', p. 97. Joseph had much property, lost in the 1834-35 war, CA, 1/SSE 8/89, List of Losses, 21/12/1834.

¹²⁸ Stockenstrom had left for Cape Town due to the death there of his infant son.

speculation: '[T]he people ... were not angry, but they ... had one question to ask Capt. Stockenstrom when he returned, namely, why they were not allowed to make purchases'; 'they had been deceived by Capt Stockenstrom [on the matter of credit] who had not gone to the Orange River, but was upstairs in his bedroom and affraid [sic] to make his appearance among them'. Andries Botha, named as one who was angered at the sale, was 'shocked and indignant' when he heard the rumours, and certain that 'the report must have originated among the colonists'.¹²⁹

Reactions simmered for a while, and underlay what was to come.¹³⁰ In December a rumour spread that Kat River men were in an angry mood because colonists were occupying land along the Koonap River which they claimed. This appears to have been a response to the second phase of the government's plan for defending the 'ceded territory'. In Stockenstrom's words, 'I distributed among the white part of the population, English as well as Dutch ... between the Koonap and the Kat ... three or four times as much as was allotted to the Hottentots, of equally good land...'.¹³¹ Some Khoisan persisted in treating neighbouring lands as theirs:

¹²⁹ CA, 1/AY 8/83, statements by Groepe, Vaughan, Erasmus and Devenish. At some point, Stockenstrom sold Michiel Pretorius of Kat River a span of oxen on credit, and was repaid, LG 6, Read-Stockenstrom, 5/9/1832, pp. 110-11.

¹³⁰ CA, 1/AY 8/83, Inquiry into reports ... relative to an attack said to be in agitation of the Hottentots residing at Kat River on the Farmers of the Colony ..., Declarations by Andries Platjies and passim, January 1832. The sale took place on 10/11/1831 at the Kaga River, northwest of the settlement.

¹³¹ Hutton ed., Autobiography, II, p. 359; Theal, History, VI, pp. 12-13; CA, LG 11, No. 29, Stockenstrom-Bell, 17/2/1830, pp. 335-36; LG 1, Bell-Stockenstrom, 26/2/1830, p. 110; LG 12, No. 50, Stockenstrom-Bell, 14/4/1830, pp. 52-53 & No. 58, Stockenstrom-Bell, 26/4/1830, pp. 59-60. Read claimed that Stockenstrom warned these people that their occupation was temporary but this was not upheld, A 50(4), Read-Philip, 12/7/1833. This was true in 1829 but not of the 1830 scheme.

An elderly Dutch farmer complained of 'de Rontloopende vrey gekleurde zogenaamde geel en zwart vry Burgers; diens woonplaatze Katrivier toe komt', who grazed cattle, planted gardens, and generally asserted 'heerschappy' over his farm.¹³² Uncertainties about government's plans kept hopes and fruitless claims alive.¹³³

The rumour floated in December referred to a letter expected to be sent around: Whoever - white and black - acknowledged the Kat River people's claims could count on being spared; those who did not were to be 'blown away' ('meaning will be shot'). Kat River men would pose as friends, then carry out these deeds. Sentries would block the paths to isolate the targets from receiving aid. Read and Groepe were said to be advising the plotters.¹³⁴ In its most elaborate version, the plot involved a letter to the western districts (Boveland) inviting Khoisan there to join the fray. The rumours spread until 'in Tarka, Graaffreynette, and Beaufort in the Karroo, all was anxiety'.¹³⁵ Though nothing in the way of hostile action was observed, ammunition was said to be stockpiled, some colonists fled their farms, a commando was intercepted (before doing any harm),¹³⁶ and the name 'Buonaparte'

¹³² CA, 1/AY 8/84, Piet Meier-Campbell, 18/10/1833: 'the wandering free coloured so-called yellow and black free burghers; who came to settlements in the Kat River'.

¹³³ Read believed that Stockenstrom intended settling 'Hottentots' on the frontier right to the sea, CA, A 50(4), Read-Fairbairn, 7/12/1833.

¹³⁴ Sentries had evidently been proposed by Read - but to prevent the spread of smallpox into the settlement, CA, 1/AY 9/6, No. 4, Campbell-Bell, 13/1/1832, pp. 484-85.

¹³⁵ CA, 1/SSE 8/89, Field Cornet Botha, 27 & 30/12/1831; 1/AY 8/83, Inquiry into reports ..., Declarations by T.J. Botha (2 versions), W.M. Prinslo, Geswent, Africa, and Z.C. de Beer, 1/1/1832; CO 412, No. 3, Somerset-Bell, 5/1/1832.

¹³⁶ See Stockenstrom's Autobiography, I, p. 416; Pringle, Narrative, p. 306; Kay, Travels and Researches, p. 413. CA, CO 412, No. 3, Somerset-Bell, 5/1/1832. Godlonton's version has the

was heard, seeming still to have the power to frighten or, at least, confuse.

Campbell discounted the first warning of trouble which came into his hands - from colonist, John Vaughan - but was obliged to act when Van der Riet reported rumours spread in Uitenhage. On the strength of interviews with most of the persons named, Campbell confirmed that there were no real grounds for alarm.¹³⁷ Tale-bearers absented themselves or denied the tales attributed to them. Field cornets declared that they were never actually taken in by what they had been told (this distancing from foolishness exposed them to blame for not reporting rumours timeously).¹³⁸ The issues around which the rumours formed - ambivalence in attitudes towards Stockenstrom, the fact that the Kat River settlers were armed, insecurities respecting thefts and land entitlements on the settlement's fringe, and the white colonists' deep fear of a 'labouring class' no longer under strict control¹³⁹ - survived the panic as threats to the stability of the frontier.

The incident reveals a host of otherwise obscure interactions. The concerns of the officials and missionaries are broadly known; less so are those of a rough element among the colonists who employed the Kat River settlers for various jobs and, at times, hinted darkly of sinister schemes. According to Lodewyk Peffer of Groepe's ward,

farmers merely 'preparing to defend themselves against the expected attack', 'Introductory Remarks', Irruption of the Kaffir Hordes, p. 98 & n*.

¹³⁷ CA, 1/AY 9/6, No. 91, Campbell-Bell, 30/12/1831, p. 479 & No. 2, Campbell-Bell, 6/1/1832, pp. 481-82.

¹³⁸ Advertisement, 11/1/1832, Graham's Town Journal, 20/1/1832.

¹³⁹ Editorial, Graham's Town Journal, 27/1/1832.

a Burgher named Carl Erasmus came with an Englishman to my house ... Erasmus was very drunk and he ... asked if I would join them to shoot the English? No, I said that I will never do - then said he, the first bullet will be through your body. I asked him why he wished to shoot the Englishmen, he replied, because they want to take our slaves from us and they (the English) may now try, for the whole country is up ... I do not know where Carl Erasmus is now.

Peffer was also visited by Nikolas Rhensburg [sic] who discussed the availability of gunpowder and gave this advice:

"if I were you, Peffer, I would leave the Kat River." I said no, I have come out here from the colony to live quietly - He then said that between January and Feby next a commotion (schootvaal) will happen. I asked him what he meant, and he replied your eyes will see that. I said now I understand your meaning, and I will fly to Grahams Town, he replied it will be the same at Graham's as here, and that there would be a disturbance (oproer) all over the Country, upon which I observed, then Capt. Stockenstrom is gone to Cape Town - yes and he will never return, for if does the people will knock him on the head (kop in slaan).

Witnesses confirmed his story 'minutely' but Rhensburg, who acknowledged calling upon Peffer, dismissed the incriminating aspects of it with a harmless account whereby Peffer's son was to be fetched to assist Dutch farmers on a hunt.¹⁴⁰

Another 'Rhensburg' - rendered as 'Luis Rhensenburgh' - had in his employ a Khoi named Ruiter who, according to John Vaughan, was loquacious on the subject of Khoisan reactions to the Stockenstrom sale:

[H]e said the best thing the Government could do with the Hottentots was to assemble those on the Kat River, and all the others who were in the country, on one hill and shoot them all, for the Government would get no rest for them as they had been deceived [regarding credit].¹⁴¹

¹⁴⁰ CA, 1/AY 8/83, Statements taken by Civil Commissioner Campbell and H. Somerset. Further accounts of such visits by colonists to the homes of the Kat River settlers appear in Stockenstrom's Autobiography, see I, p. 403.

¹⁴¹ CA, 1/AY 8/83, two statements by John Vaughan.

Though 'Rhensenburgh's' responsibility for rumour-mongering is not proven on this evidence, these Van Rensburgs count among frontiersmen of a type discussed below.

More explicit is the account by Andries Platjes, a Kat River man, of Nicolaas Prinsloo's behaviour which was theatrical in the extreme. When Platjes and the Khoi Fredrik Roy called at Prinsloo's farm on their return, empty-handed, from the sale, the farmer taunted them with visions of ethnic bloodbaths narrowly averted or yet to come. Responding to Prinsloo's threats, Platjes inquired 'where the war was, upon which he swore at me, and said ... your God will disappear as his father did ... [meaning] your God Stockenstrom ... Buonaparte will come to the Cape and then you will see'.¹⁴² Groepe alleged that, far from the settlers threatening the Boers, the latter conspired 'opstand te maken tegens Kat Rivier'.¹⁴³

John Joseph Smith was another shady actor in this affair. A rumour to the effect that 'Mr. Smith a Frenchman, and shopkeeper at the Kat River had supplied [the Kat River Khoisan] with two barrels ... of gunpowder and a quantity of lead', on credit, sounds a rejoinder to the alleged insult at the cattle sale. This man, who had already been expelled from the Kat River Post, was ordered from the settlement.¹⁴⁴

¹⁴² CA, 1/AY 8/83, statements by Andries Platjes and Nicolas Prinsloo. Stockenstrom's father had been murdered in 1811.

¹⁴³ CA, LG 5, Groepe-Stockenstrom, 10/1/1832, p. 67: 'to make rebellion against Kat River'.

¹⁴⁴ CA, 1/AY 8/83, Statement by John Vaughan. Smith (whose wife, not he, was French) claimed he had sold very little powder to the Kat River people, CO 412, No. 3, Somerset-Bell, 5/1/1832. See also: LG 6, Smith-Stockenstrom, 29/11/1831, pp. 73-74; LG 5, Groepe-Stockenstrom, 14/12/1831, pp. 60-61; CO 402, No. 3, Stockenstrom-Bell and enclosure, 9/1/1832, pp. 8-9; LG 2, Bell-Stockenstrom, 11/1/1832, p. 28; LG 6, Johannes Fortuin-Stockenstrom, 23/1/1832, p. 71.

In his discussion of the 'frontier tradition in South African historiography', Legassick refers to 'the so-called "frontier ruffians"' - among whom he names the Prinsloo family (three Prinsloos besides Nicolas gave statements to the officials). According to Legassick's reading, these individuals pursued their interests by means considerably more flexible than the familiar 'racist' label implies.¹⁴⁵ The evidence concerning the panic of 1831 reveals that strategies of persons of this stripe gave rise to the alarm.

Somerset, who interviewed the various parties, noted the effect of 'leading questions ... by people ill disposed' towards 'this race' (of 'Hottentots').¹⁴⁶ Campbell's summary of events identified Prinsloo and N. van Rensburg as the culprits.¹⁴⁷ These two, he said, exemplified a type which gravitated to frontiers. Campbell attributed the disaffection among 'native colonists' to recent measures favouring the Khoisan and slaves: The Dutch farmers believed that 'Government had the interests of these two classes more at heart than that of the white portion of the population'. Assigning the Kat River lands for 'exclusive occupation' by 'Hottentots' and failure to enact a vagrancy law were seen as proofs of partiality. The panic's rapid spread was due, he believed, to paranoia that 'common cause' united the Xhosa with Kat River Khoisan.¹⁴⁸

¹⁴⁵ Legassick, 'The frontier tradition', p. 65. Several Trichardts (Legassick names 'Carl') feature in the Prinsloo's statements; members of the van Rensburg ('Rhensburg') family, though not listed by Legassick, qualify for inclusion.

¹⁴⁶ CA, CO 412, No. 3, Somerset-Bell, 5/1/1832.

¹⁴⁷ CA, 1/AY 9/6, No. 4, Campbell-Bell, 13/1/1832, pp. 483-89.

¹⁴⁸ CA, 1/AY 9/6, No. 7, Campbell-Bell, 27/1/1832, pp. 491-94. These points were elaborated in No. 10, Campbell-Bell, 3/2/1832, pp. 496-99.

`Rumour' is defined as a `proposition for belief' which is spread in the absence of `secure standards of evidence'.¹⁴⁹ The definition allows for the element of fantasy which pervades the testimonies with regard to the panic of 1831. Particularly bizarre are stories attributed by Vaughan¹⁵⁰ to a member of Groepe's party, Fredrik Roy. According to Vaughan/Roy, a faction at Kat River

had asked Christian Groupe to join them, but he refused, he (Groupe) had attended their meetings, but he was very stupid, and had too many of the farmers tricks (boersnuk); they would first take the Boersnuk out of him and then he would help them.¹⁵¹

Roy's evidence, as related by Vaughan, stressed dissension within the settlement: The poor against the better-off and, in this case, the `Hottentots' against those tainted by too-close connections with the colonists (Groepe's father was a German immigrant and field cornet, who counted as a Boer). Though Campbell, like Somerset, blamed Roy for `wanton and uncalled for conduct', he discerned that - from ignorance of Prinsloo's threats - Vaughan had `misunderstood' him and thus contributed to fears.¹⁵²

¹⁴⁹ Gordon W. Allport and Leo Postman, The Psychology of Rumour, New York: Henry Holt & Co, 1948, p. ix.

¹⁵⁰ Fantasy with a view to troublemaking may have been a family failing of the Vaughans: In 1837 Stockenstrom reported that this man's son `had thrown the whole religious meeting [of Boers] into consternation by reporting that the Kaffirs were immediately going to war ...', a baseless tale, Hutton ed., Autobiography, II, p. 129. Campbell reported Roy's story to government, CA, 1/AY 9/6, No. 91, 30/12/1831, p. 479.

¹⁵¹ CA, 1/AY 8/83, two statements by John Vaughan.

¹⁵² CA, CO 412, No. 3, Somerset-Bell, 5/1/1832; 1/AY 9/6, No. 4, Campbell-Bell, 13/1/1832, p. 489. In 1834, Hermanus Matroos took up residence on Vaughan's farm in defiance of government policy, CO 2749, No. 83, Campbell-Brink, 18/7/1834.

After officials deemed the episode closed, asserting that the colony was safe, Piet Retief revived it: 'We have not got at the true source of information relative to the disturbance', he averred, citing reports of Xhosa chiefs in touch with 'Hottentots'.¹⁵³ Campbell construed the complaint as proof of the 'continued irritability of the people in the vicinity of the Hott. Establishment'.¹⁵⁴ No one was arrested or charged and the only sequel appears to have been the ill-managed effort, noted above, to see Hermanus Matroos removed.¹⁵⁵ These events did, however, impress the official mind with the volatility of the Cape populace: When the home government proposed a slave tax, the governor warned that feelings might be inflamed along the lines of the recent panic - 'real or pretended' - on the eastern frontier.¹⁵⁶

The purpose of the delving pursued here has been to expose the environment experienced by the Kat River Khoisan. The panic occurred at a time when received wisdom concerning the experiment was positive on the whole, the greedy designs of colonial wool producers against Kat River's pastures had yet to form, and the 1834-35 frontier war with its aftermath of racial animosities was not yet a factor. Ostensibly, this is a rosy scene. On the other hand, well known protagonists of old-style frontier practices had still to trek away and social relations - which were disturbed by Ordinance 50 but not effectively transformed - were at a sensitive stage.

¹⁵³ CA, 1/AY 8/83, Retief-Campbell, 20/1/1832.

¹⁵⁴ CA, 1/AY 9/6, No. 10 [*sic*], Campbell-Bell, 10/2/1832, p. 501. The burghers likened the danger to that in 1799 when they had been 'lulled' into being unprepared, p. 500.

¹⁵⁵ See Campbell's complaint regarding his 'constant communication' with the Xhosa, CA 1/AY 9/6, Campbell-Bell, 31/8/1832, p. 529.

¹⁵⁶ CA, GH 23/10, No. 8., Cole-Goderich, 4/3/1832, pp. 17-18.

'Party spirit' in the settlement

In June 1830, Cole was displeased to learn that Read was in the settlement. In confidence to Stockenstrom he wrote that it was not intended as a 'missionary institution' like those which many Khoisan left 'by their own free will', and where they could return. Cole opposed the 'influence of any Foreign Society over the new settlers': Government alone deserved the credit for the Kat River scheme and would appoint 'a clergyman belonging to one or other of the Established Churches in Great Britain or in this Colony'. Stockenstrom was told to forward Thomson's letter of appointment and choose the site for a 'future village', church and school.¹⁵⁷

Cole waited four months before informing the home government of what he had done.¹⁵⁸ The governor reveals himself as anxious for acclaim, and resentful of any slight. He alleged that neither Philip nor Fairbairn had praised the settlement, or even mentioned it beyond an 'an occasional sneer'. Philip, he said, had dispatched Read 'with a view I have little doubt of laying claim hereafter in the event of the Establishment succeeding ... I determined therefore to send a clergyman at once to reside on the spot'. Cole couched the need to forestall Philip in a phrase which has shaped the latter's reputation down the years: His

¹⁵⁷ CA, LG 1, Bell-Stockenstrom, 18/6/1830, pp. 156-58.

¹⁵⁸ CA, GH 23/9, Cole-Hay, 25/10/1830, pp. 351-52. He waited three more months before requesting sanction for Thomson's salary, Cole-Murray, 22/1/1831, p. 404. When the Secretary of State for Colonies declined to confirm him on the same footing as the colonial clergy, Cole contrived to augment his salary, CA, LG 2, Bell-Stockenstrom, 9/9/1831, p. 23; GH 23/10, No. 17, Cole-Goderich, 4/4/1832, pp. 38-39. For the difficulty this appointment posed for the Dutch Reformed Church Synod, see Williams, When Races Meet, p. 120.

`views I fear are more those of a Politician than a Missionary'.¹⁵⁹

Stockenstrom's alacrity in executing Cole's instructions, and the tone of the correspondence, reveal a depth of animosity not previously made plain. He assured the governor of every effort to conceal from Read `that his migration has either precipitated or expedited said appointment as nothing could better serve his ends or more materially add to his importance'.¹⁶⁰ And he enclosed the letters which he and Read had just exchanged.

Read's courtesy letter, written the day after his arrival at Kat River, contained expressions which were grist to an enemy's mill. Reporting that he had come in answer to the people's `official application', he undertook to confine himself `as much as possible' to their spiritual needs and leave them, in general, to `feel their way'. He was sorry, he went on to say, to hear of present hostilities on the frontier.¹⁶¹ Here, Cole discerned a criticism of government policy - even a misplaced sympathy for enemies and thieves? - which reflected badly on the missionaries in his view.¹⁶²

The correspondence shows Read grappling with the commissioner-general's ill-disguised hostility. The government, the latter let him know, always had in mind `the necessary religious and Civil Institutions which I hourly expect'. Regarding the Kat River settlers' secular concerns, they had `direct access' to himself -

¹⁵⁹ CA, GH 23/9, Cole-Hay, 25/10/1830, pp. 351-52.

¹⁶⁰ CA, CO 373, No. 32, Stockenstrom-Secretary to Government, 30/6/1830, pp. 283-85.

¹⁶¹ CA, CO 373, Read-Stockenstrom, 14/6/1830, p. 290.

¹⁶² CA, CO 4900, Bell-Stockenstrom, 9/7/1830, p. 236.

a system, as he put it, saving Read 'a vast deal of trouble'.¹⁶³ Without acknowledging that he had grasped its meaning ('I do not know whether I fully understand the purport of your Letter'), Read laboured to clarify how he perceived his role.¹⁶⁴ Certain of a cabal, but uncertain as to what precisely weighed against him, Read floundered amongst explanations where none was likely to avail.

When Thomson was installed, 'strong feeling' was in evidence and some Khoisan - 'Hottentots' from Theopolis and Bethelsdorp - informed Stockenstrom that 'they had chosen Mr. Read'.¹⁶⁵ Thomson's adherents were 'Christian Groepe and several other Bastards'. Read, writing to Commercial Advertiser editor Fairbairn, (rightly) claimed that the government had moved to send a minister only after he himself had arrived: Stockenstrom, he observed, wished the Khoisan to be 'Dutch Christians or nothing' and he (Read) might have to become 'an independent minister among them supported by themselves'.¹⁶⁶ Disturbed by the

¹⁶³ CA, CO 373, No. 32, Read-Stockenstrom, 14/6 & Stockenstrom-Read, 15/6/1830, pp. 289-93, enclosed in Stockenstrom-Bell, 30/6/1830.

¹⁶⁴ CA, CO 373, No. 34, Read-Stockenstrom, 30/6/1830, enclosed in Stockenstrom-Secretary to Government, 6/7/1830, pp. 316-18.

¹⁶⁵ The Reads were obliged to vacate the Balfour premises and moved near Stoffel's party at Philipton, CA, LG 6, Thomson-Stockenstrom, 27/9/1830, p. 34. Stockenstrom was angry that an LMS report included Kat River among its stations, LG 12, No. 132, Stockenstrom's Remarks, 31/12/1830, p. 259.

¹⁶⁶ CA, A 50(4), Letters from James Read, Read-Fairbairn, 13/7/1830; CO 373, No. 35, Stockenstrom-Bell, 13/7/1830, p. 325. An anonymous article published in Greig's Directory and Almanac ('The origin, rise, and progress of the Hottentot Settlement on the Kat River') was attributed to Stockenstrom and criticised for its 'ungenerous spirit' regarding the LMS missions and Read in particular, CWMA, Box 12, Folder 3A and Box 12, Folder 4C, Freeman-Hankey, 21/1/1831.

revelations of ill feeling, Read sought to ingratiate himself with plans for honouring Stockenstrom within the settlement.¹⁶⁷

In memory, this episode became more convoluted. Stockenstrom recalled that he originally had wanted Read to settle at the Kat River, 'from the influence which I knew him to possess over the Hottentots'. However, Read 'could not ... or at least he did not' comply - only to come later by design to 'prejudice the ignorant People' against the government-appointed minister.¹⁶⁸ Read had reported this invitation to the LMS directors at the time: His hesitation was due to a desire to discuss it with Philip, who was still in England.¹⁶⁹ Philip returned to a fait accompli where the settlement was concerned and, not long after, received a petition for a missionary signed by twenty men (including Groepe).¹⁷⁰ Only during his (1830) frontier tour was Read selected to go. Though Read contributed to denominational rivalries from time to time, nothing in the records shows that he had acted knowingly to thwart the government's plan.

¹⁶⁷ CA, LG 6, Read-Stockenstrom, 16/7 & 20/7/1830, pp. 16-18, 30-32; CO 373, Read-Stockenstrom, 9/7/1830, p. 332. Earlier, Read had mooted naming the settlement's 'central town' for Stockenstrom, LG 5, Read-Stockenstrom, 16/6/1829, p. 136. In 1844 Read, Thomson, Groepe and others petitioned to this end, Stockenstrom, Light and Shade, pp. 67-68.

¹⁶⁸ CA, LG 12, No. 132, Stockenstrom-Bell, 31/12/1830, pp. 259-64. This letter also appears in CO 373, pp. 488-94, where someone (possibly Bell) underlined in pencil the words 'influence' and 'Hottentots' and wrote in the margin, 'particularly the women' - a reference to Read's notorious adultery with Sabina Pretorius.

¹⁶⁹ CWMA, Read-Orme, 30/7/1829, Box 11, Folder 3D.

¹⁷⁰ 'Papers accompanying and explaining points in Tabular View of South African missions ...', compiled by Philip, CWMA, Box 12, Folder 1: See request of 25/1/1830.

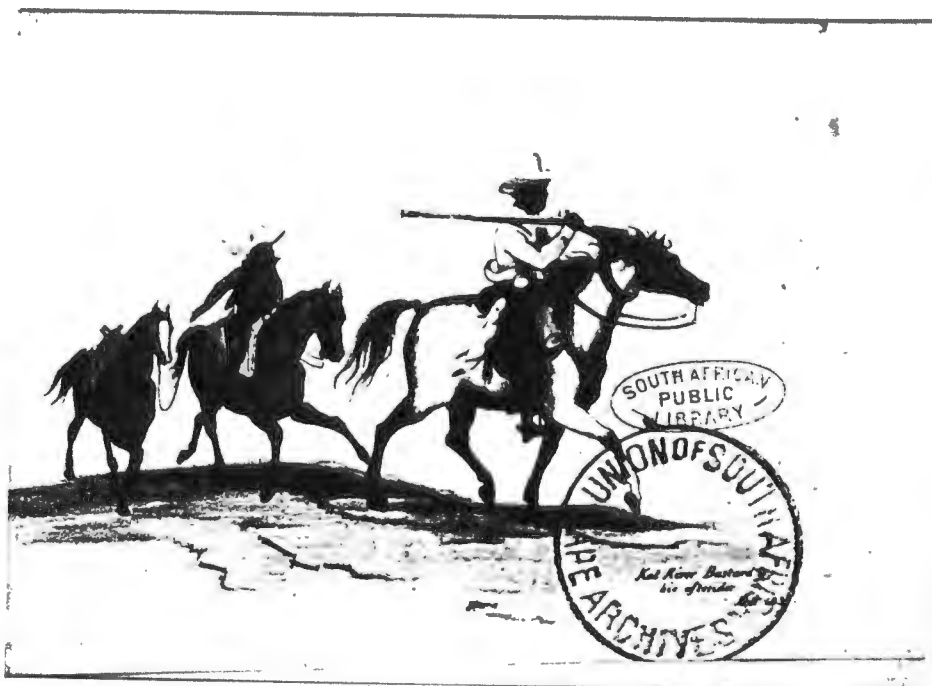
The result of Cole and Stockenstrom's manoeuvring was exacerbation of the schism between Bastard and Khoisan. It is difficult to know how deep, and how irreparable, the cleavage was before white officials became more intimately involved. In January 1830, Barker (on a preaching tour) found the Bastards 'like a new race of people to me. These Bastards assume a sort of political superiority over the less adulterated Hottentots, or rather consider themselves endowed with some superior natural qualities'.¹⁷¹ Kat River historian Visagie has said, 'Onaanneemlik soos dit mag klink, het Read en Thomson die Blankes politiek saam met hulle die Nedersetting ingedra.'¹⁷² This rivalry probably fed on another assumption of the Bastards which Barker noted. He was 'a little surprised to discover a degree of prejudice ... against missionaries ... the general colonial feeling had taken hold of them, viz, that missionaries are inferior to the Colonial Clergy, and that their Baptisms &c are not valid'.¹⁷³

In time to come, the faction opposing Read (and settlers not identified as Bastards) had always to admit the difficulty which they found in proving their suspicions: The treachery of the 'Hottentots' and 'Gonahs' was too 'subtle' to be 'tangible'; the evils known to exist were yet 'founded principally upon presumptive facts'; 'the grand point is to endeavour to establish the truth ... that a certain party led away by their own views

¹⁷¹ CWMA, George Barker's Journal, 26/1/1830.

¹⁷² 'Die Katriviernedersetting', pp. 65-66: 'Unacceptable as it may sound, Read and Thomson brought white politics into the settlement with them.'

¹⁷³ CWMA, George Barker's Journal, 2/1/1830.



KAT RIVER BASTARD AND HIS

AFTER RIDER (CAPE ARCHIVES E.3212)



LE BASTAARD.

FROM: T. ARBOUSSET + F. DUMAS

RELATION D'UN VOYAGE, 1842

...'; and so on.¹⁷⁴ The pernicious power of these insinuations was realised after a frontier war broke out in 1834.¹⁷⁵

'Party spirit' undermined community development in various ways, education being one. A criticism in The Graham's Town Journal, that industry was falling off, suggested this was because no teachers had been sent and Balfour (Thomson's centre) had neither church nor school. 'A Hottentot Settler' responded that the settlers were no less energetic than before and pointed out that - thanks to Dr Philip ('our best friend') and the missionaries - the children were being taught to read, write and count as well as in the 'district schools'.¹⁷⁶ At just this time (early 1833), the missionary Messer reported in glowing terms on the settlement's fine schools: 'Of stripes they know nothing. Never a quince rod is to be seen' - contrasting this with former days when discipline was often cruel.¹⁷⁷

The facts appear to be these: Before the war began and progress stopped, the LMS sponsored a dozen schools, attended by some 700 children. Thomson, on the other hand, was handicapped by lack of

¹⁷⁴ CA, 1/AY 8/85, Armstrong-Campbell, 10/9/1834, p. 453; BPP, No. 503 (1837), Armstrong-Smith, 17/1/1835, pp. 85-86, enclosed in D'Urban-Glenelg, 9/6/1836; CO 4382, Thomson-Armstrong, 1/2/1836.

¹⁷⁵ In 1851 the 'Hottentots', in whom so little good was found in the wake of Ordinance 50, were described as having been 'gentle, thankful and docile' until the Reads politicised them, CA, LG 590, 'Notes on the Formation of the Kat River Settlement', p. 132, enclosed in Meurant-Southey, 6/3/1856.

¹⁷⁶ The Graham's Town Journal: 'Philanthropos', 7/2/1833, and 'A Hottentot Settler', 28/2/1833.

¹⁷⁷ CWMA, Box 13, Folder 3A, Messer-LMS Directors, 6/1/1833. Messer, on a fundraising tour for a new chapel in Uitenhage, was touched by the generous response of settlement Khoisan, and of the woodcutters from Bethelsdorp in Under Bushman's River ward.

funds.¹⁷⁸ No doubt this situation was embarrassing to him. However, Hertzog and others helped and in June 1834 his church's cornerstone was laid. On such occasions, amity was carefully preserved. The Reads were there - James Jr exhorting the youth 'to qualify themselves for respectable stations in society, to any of which they might now aspire'.¹⁷⁹ The Building Committee included several of the Philipton stalwarts - Botha and Stoffel among them.

A few months later, after war had broken out, the Reads were ordered from the settlement. At the war's end, Thomson and Armstrong lobbied intensively to block their return (see Chapter 11). Among the many allegations to this end they claimed that the LMS schools were a charade, and that those who praised them were deliberately misled.¹⁸⁰ During the Reads' long absence the LMS schools declined.¹⁸¹ Undoubtedly the Kat River children were the losers thereby.

The temperance movement languished during the Reads' banishment as well.¹⁸² They acknowledged the people's weakness with respect to drink on their return:

¹⁷⁸ BPP, No. 538 (1836), James Read Jr., 29/6/1836, Qs. 5089-5111, p. 590. The settlers' offer of labour and materials to erect a church had been expended on a structure for the LMS, CA, 1/AY 9/7, Campbell-Bell, 7/6/1833, pp. 43-45.

¹⁷⁹ The Graham's Town Journal, 26/6/1834. The cornerstone was laid by Hertzog, assisted by Armstrong, in a cavity containing copies of the Royal Charter, Ordinance 50, the Journal, and a notice of the foundation of the Settlement.

¹⁸⁰ CA, CO 4382, Thomson-Armstrong, 1/2/1836, pp. 11-14.

¹⁸¹ BPP, No. 538 (1836), Qs. 5106-5109, p. 590.

¹⁸² See le Cordeur and Saunders eds, The Kitchingman Papers, p. 203, n. 53: 'When James Read jun. returned to Philipton in 1837, he commented on the introduction of brandy into the Settlement during his absence'.

We have a total abstinence society established and above 700 members and expect many more. Nothing else, I see, will do. Our people entered into it with all their might. I trust it will be a blessing. The elders and deacons are all teetotelaars - or if you please total teadrinkers. The church will not have others.¹⁸³

The Kat River Settlement in 1834

Cole Vale and Balfour, the locations which Stockenstrom laid out, were Hertzog's models in his survey work.¹⁸⁴ Criteria dating from 1829 - to reward 'good conduct' and keep the Xhosa out¹⁸⁵ - and regulations, drafted by Stockenstrom in 1831, guided him in making grants.¹⁸⁶ Six hundred plots had been measured by the time he left. A 'Form of Grant' on the perpetual quitrent model was drawn up with title conditional on cultivation, a ban on canteens, and so forth.¹⁸⁷ At this point, Thomson assessed the prospect of success at roughly half, namely, of that portion of the settlers already 'in a fair way of progressive respectability'. The balance, he thought, might end by selling

¹⁸³ Read Sr-Kitchingman, 24/9/1838, le Cordeur and Saunders eds, The Kitchingman Papers, p. 202. The Society met in 1839 when Backhouse visited Kat River, Narrative, p. 186.

¹⁸⁴ CA, DSGEP 82, C. Bell-Ebden, 5/4/1853, Enclosure B, Art. 18.

¹⁸⁵ See e.g. the applications of Hendrik Schippers and Piet Camphor, CA, 1/AY 9/19, Civil Commissioner-Hertzog, 21/2/1834, pp. 237-38.

¹⁸⁶ For example, no one but 'Hottentots and Bastards' would receive grants, unless with 'the special sanction of Government' (Art. 14) and grantees forfeited their rights if found to harbour persons not officially admitted (Art. 12), CA, DSGEP 82, C. Bell-Ebden, 5/4/1853, Enclosure B. The set of eighteen regulations was signed by Cole in 1833.

¹⁸⁷ CA, DSGEP 82, C. Bell-Ebden, 5/4/1853, Enclosure A, Form of Grant, 1834.

their allotments 'to their more industrious neighbours'.¹⁸⁸ But war delayed the issuing of formal title.¹⁸⁹

Unauthorised influx into the settlement is generally pointed out as an important reason for its 'failure'. From the start, officials wished to keep out 'foreign natives'.¹⁹⁰ Numbers of colonial Khoisan also were refused entry. In March 1834, some sixteen Khoisan and Bastard families from Beaufort and Graaff-Reinet trekked to Kat River with their goods and stock. They claimed that the (Boer) field cornets had ordered it, promising that 'land would be assigned to them'. Armstrong warned that the population was 'as dense as circumstances will admit' since 'Gonahs', 'Bechuanas', 'Tambookies', 'Fingos', 'loose Hottentots' and fugitive slaves had flooded in.¹⁹¹

Campbell suspected that the field cornets had acted as alleged from misunderstanding or the 'unwarrantable assumption of authority'. The crisis seemed to be resolved when the would-be settlers - apprised of 'the delusion under which they laboured' - undertook to depart.¹⁹² But they did not, 'on account as they

¹⁸⁸ CA, CO 433, No. 49, Thomson-Hamilton, 23/9/1834, pp. 166-69. He questioned what would be the fate of the 'Gonas, Kaffers, Mantatees, Fengus, etc.' in the settlement.

¹⁸⁹ See CA, 1/FBF 9/3/1/1/1, Register of Title Deeds, February 1836.

¹⁹⁰ The term was in use by the 1830s, see CA, LG 7, Lists of Foreign Natives. Foreigners on contract in terms of Ordinance 49 were legal, as elsewhere in the colony, but numbers were believed to enter illegally.

¹⁹¹ CA, 1/AY 9/7, Campbell-Acting Secretary to Government, 8/4/1834, pp. 158-59. See also 1/AY 8/85, Hertzog-Campbell, 22/7/1834, pp. 379-83 & 26/8/1834, pp. 426-28.

¹⁹² CA, 1/AY 9/7, Campbell-Acting Secretary to Government, April 1834, pp. 168-70; 1/AY 8/85, Armstrong-Campbell, 8/4/1834, pp. 217-20; 1/AY 8/23, No. 40, Brink-Civil Commissioner, 18/4/1834, pp. 77-78.

say, that some Boers are allowed and why should they be forced from thence' (this turnabout was laid at Read's doorstep).¹⁹³ When Kat River settler, Gert Samson, opposed the vagrancy act he pointed out that these people - induced to move on false advice - were called vagrants by a field cornet.¹⁹⁴

Although the notion that the settlers should be hand-picked had a short life, the principle that numbers and composition should be controlled retained its currency as common sense. But on all sides the (hazy) boundaries leaked. Controls on entry, as applied in the above case, were arbitrary at best. The most effective restraint was at the point of issuing grants: Only 'Hottentots' and Bastards were eligible, and they forfeited this right if found by the officials (Armstrong, Campbell, Hertzog) to harbour persons not formally admitted. The problem was particularly acute where families long identified as 'Hottentot' had strong Gonaqua links.¹⁹⁵ The fact that 'Gonahs' came as members of extended families, clients, or squatters was as much a political as a demographic issue for the settlement in its colonial relationship.

¹⁹³ CA, 1/AY 8/85, Hertzog-Campbell, 22/7/1834, p. 380; CO 2749, No. 93, Armstrong-Brink, 5/8/1834; LG 590, 'Notes on the Formation of the Kat River Settlement', pp. 156-57, enclosed in Meurant-Southey, 6/3/1856; Visagie, 'Die Katrivier nedersetting', pp. 197-99. The matter dragged on: In 1835 a man claiming to speak for this party memorialised for land, CO 8549, Memorial of Norman Pieterse, 12/9/1835.

¹⁹⁴ CA, A 50(4), Report of a Meeting ... 5/8/1834. See also 'A Friend to Truth', The Graham's Town Journal, 14/8/1834.

¹⁹⁵ As far back as 1809, Cuyler had found it impossible to 'unscramble the omelet', see Malherbe, 'Diversification and Mobility', pp. 191-92, for his circular of April 1809 and advice to a puzzled field cornet: "It is impossible for me to define who are, or are not Ghonnans, by letter, you must in this case act to the best of your judgment".

In these founding years, the Kat River settlers created the 'imagined community' which Benedict Anderson delineates.¹⁹⁶ In 1851 the common cause which they maintained with other Khoisan was to appear, briefly, to approximate the conspiracy which haunted the colonial psyche.¹⁹⁷ For the time being, the settlement succeeded as a 'taste' of freedoms viewed as their entitlement as the original inhabitants of the Cape.

The situation of eastern Khoisan in the 'old' colony is harder to encapsulate. If Kat River settlers were the 'test group' in an experiment, they were the 'controls' with respect to Ordinance 50's efficacy in making free a servile group. Its impact on many areas of experience was examined in Chapter 9. The records abound with evidence of government's conscientious intent to enforce the ordinance in a strictly legal sense but its firm reminders of equality (and also, paternalistically conceived exceptions where equality imposed too heavy duties or expense) were frequently offset by the weakness or indifference of administrators on the spot. Importantly, the uses made of freedom by this newly liberated 'class' were watched and weighed by some determined enemies who rallied and regrouped each time they were frustrated in their efforts to turn back the clock.

¹⁹⁶ Elbourne states: 'It was during the investigations held by Buxton's so-called "Aborigines Committee" ... [1836] that Kat River really came into its own as a community of the imagination', 'To Colonize the Mind', p. 313.

¹⁹⁷ See e.g. Edna Bradlow, 'The "Great Fear" at the Cape of Good Hope, 1851-52', The International Journal of African Historical Studies, 22(3), 1989, pp. 401-21.

11. Defending Liberty in Peace and War

'A vagabond, children, is a man who does not know where to find his night cap': The vagrancy law of 1834

'[Y]ou will see the time which has been wasted, and the useless trouble and prolonged excitement, which have been occasioned by the obstinate prosecution of the measure of a vagrant law', Governor D'Urban wrote confidentially in 1834. Such was the state of feeling, pro and con, that it could only have been otherwise had D'Urban acted on his own opinion, that 'the existing Laws were adequate to their purpose; - and that legislating at all, under the influence of great popular excitement, was but a dangerous experiment'. He had found Col. Wade, second in command (and acting governor until D'Urban took up his post), aligned with the vociferous pro-enactment lobby,¹ in 'direct opposition' to himself. For this and, no doubt, other reasons he let the matter run its course.²

Wade's involvement began naturally enough when he, as acting governor, was instructed to facilitate the preparations for slave emancipation. Of issues which he might have addressed - among them, the needs of the freed slaves - that of increased vagrancy as a result of the addition to the 'Free Labouring Population' engaged him most. Tellingly, Wade wrote: '[W]ere a Vagrant Act ... in force, it would be the means of adding to the present

¹ In the 1990s, the ending of another era of repression has resulted in a similar response, see, e.g.: 'Bring back the old Vagrancy Act!', The [Cape] Argus, 17/4/1996, referring to the alleged 'disgusting conditions generated by vagrants' in Wynberg, Western Cape.

² CA, A 519(20), D'Urban-Hay, 10/11/1834, and enclosure, D'Urban-Spring Rice, 27/10/1834, pp. 63-70. Where Bradlow states that 'D'Urban had soon regretted his initial support', I read these despatches to mean he privately opposed the draft from the start, Edna Bradlow, 'The Khoi and the Proposed Vagrancy Legislation of 1834', QBSAL, 39(3), March 1985, p 101. See also AG 74, No. 13, D'Urban-Oliphant, 31/3/1834.

working classes several thousands of the free Blacks and Hottentots who are at present ... without occupation'.³ This response was an early (if inadvertent) signal that such an act would founder on the question of compulsory labour.

The 'popular excitement' to which D'Urban referred swept the Khoisan population with much greater speed than had the news of Ordinance 50, six years before. In an editorial, Godlonton remarked their 'feverish anxiety'.⁴ A notorious instance where field cornets applied the bill before its enactment as a law was reported by Khoisan of the district of George and the missionaries at Pacaltsdorp.⁵ But, far and wide, fear set them flying. A military officer said: 'I believe their object in going to the missionaries was to ascertain from them, (in whom they had great confidence) the state of the law'. This witness reported that, en route from the frontier, he found scarcely 'a dozen employed by the farmers and Boors, between Graham's Town and Cape Town ... they were all at the mission institutions'.⁶

The Graham's Town Journal came out at once in support of the draft law, reminding readers it had promoted such a measure in the past. After the 1831-32 panic (Chapter 10) the first editor, L. H. Meurant, argued 'to authorise and require all persons

³ CA, GH 23/10, No. 9a, Wade-Stanley, 6/12/1833, p. 266.

⁴ The Graham's Town Journal, 26/6/1834. The editor attributed Khoisan fears to 'misapprehension' and, perhaps, also 'misrepresentation'.

⁵ BPP, No. 538 (1836): Correspondence, pp. 731-32, 733-34, 736, 741-42; Memorial of the Hottentots and Free People of Colour at the Missionary Institution of Pacaltsdorp and enclosures, pp. 742-45. See also Anderson-Kitchingman, 23/5/1834 & Read Sr-Ellis, 3/7/1834, in le Cordeur and Saunders eds, Kitchingman Papers, pp. 121-22, 145.

⁶ BPP, No. 538 (1836), Captain Spiller, 17/8/1835, Q. 873, p. 73; SACA, Editorial, 7/6/1834.

whatever to apprehend those whom they know to be Vagrants'.⁷ Barker had earlier pointed out that this opinion-maker's views concerning missions and 'Hottentots' were more detrimental than those of De Zuid-Afrikaan which reached only 'a few Boers'. Now he complained that 'shoals of Englishmen were signing away their birth-right in order to enslave their colored fellow subjects', and embarked energetically on a campaign to counter the propaganda which the Journal spewed.⁸

By mid-1834, when the draft was circulated, Godlonton had been the Journal's editor for several months. His main thrust was that the bill was, above all, in the interests of those who protested that their liberties would be encroached. The colonists 'must not quail' at the cost of overflowing jails - although, he thought, some provisions were too loose, and the twelve-month maximum sentence for desertion too harsh.⁹ Godlonton continued to insist that he had the welfare of the Khoisan at heart. When, at the public meeting to discuss the draft, it was asked if there were 'no friend or advocate of the Hottentots present', he claimed 'that character' for himself.¹⁰

Philip led the opposition in memorials and letters to the press, and proposed a 'day of humiliation and prayer' by the

⁷ Editorial, 27/1/1832; later he addressed the point that a vagrant act entailed 'Poor Rates' and claimed that 'several intelligent inhabitants' at Kat River desired controls, Editorial, 1/11/1832.

⁸ CWMA, Box 13, Folder 1C, Barker-Ellis, 5/9/1832 & Box 14, Folder 2A, Barker-Campbell, 2/10/1834.

⁹ Editorial, The Graham's Town Journal, 12/6/1834.

¹⁰ News item, The Graham's Town Journal, 10/7/1834.

congregations of the LMS.¹¹ Read's invitation to the Balfour congregation to participate in the day of prayer was rebuffed (Thomson remarked that had Read 'any discrimination and modesty, he must have been aware [what] my sentiments were on the subject').¹² Wade believed that the Khoisan's 'agitation' was the result of Philip's memorials and his call for prayers, since the 'congregations' he addressed 'consisted almost entirely of this ignorant class ... who necessarily would be those most affected by the vagrant law'.¹³

The notion that Khoisan opinion relied on philanthropic mentors, subversively exciting them respecting their interests, was prevalent among the colonists but ignored certain facts. Mission members, if not others, had access to the nascent press. We know that Kat River residents 'took in two newspapers' - the Commercial Advertiser and the Journal. Read Jr wrote:

As it would have taken a long time to send the papers over the Settlement, a man was sent from each location to attend the Reading Society. It was no less interesting to see them form just views on the politics of the country. As a political body they were moderate, and their attachment to the British Government unquestionable.¹⁴

Belatedly, Godlonton acknowledged that Khoisan monitored his paper - 'this Journal is occasionally perused by them'. But though it was obvious they must be well informed of sentiments extremely

¹¹ LMS missionaries Anderson, Helm, Melvill, Kitchingman and Barker petitioned against the vagrant law, as did the Caledon Institute, the Committee for Apprenticing Juvenile Emigrants, and the 'Free people of colour' at Pacaltsdorp, see CA, LCA 6.

¹² BPP, No. 538 (1836), Read-Thomson, 14/8/1834 & Thomson's covering note to Armstrong, pp. 318-19. Armstrong sent this letter with others purporting to incriminate Read and the LMS to D'Urban, who sent them to Glenelg, 9/6/1836.

¹³ BPP, No. 538 (1836), 25/3/1836, Q. 2795, p. 317.

¹⁴ Read Jr-Philip, 16/11/1835 (about an earlier period), le Cordeur and Saunders eds, Kitchingman Papers, p. 159.

hostile to themselves, he seized the chance to lecture them about their folly and ingratitude.¹⁵

It is not proposed to detail the bill's several drafts, or the deliberations of the Legislative Council except to note that the second reading was postponed while Philip's arguments were circulated to district officers for comment.¹⁶ Campbell and Van Ryneveld, both supporters of a vagrancy act (the latter saying that the draft did not go far enough)¹⁷ were wholly unsympathetic - towards 'Hottentots' as well as to Philip's numerous points. Among the responses - from the colony as a whole and not the eastern districts only - Van der Riet's stood alone:

I consider that the effect of the proposed Ordinance to suppress vagrancy would be to revert precisely to that state or condition in which the Hottentots were existing prior to Ordinance 50 - that of compulsory service, which compelled one portion of the community to serve the other at a minimum remuneration of wages.¹⁸

The old system had been harmful, he thought, not only to the Khoisan but also to the 'privileged class'. If the farmers were deprived of labour at first, this was gradually offset by the 'incentive to more industrious habits': Thus 'a better order of things are daily beginning to appear from the operation of the 50th Ordinance'.

Van der Riet's clear stance embraced the tenets of enlightened thought - tenets, he said, which 'the world at large' had come

¹⁵ Editorial, 18/9/1834.

¹⁶ CA, 1/AY 8/85, Hamilton-Campbell, 4/6/1834, p. 302.

¹⁷ Van Ryneveld's contempt for Philip shows in his account of the latter's visit in 1833 to Graaff-Reinet when the magistrate had vagrants rounded up and 'brought before him, as they would have the advantage of so able an advocate', LCA 6, van Ryneveld-Acting Secretary, 28/6/1834.

¹⁸ CA, LCA 6, van der Riet-Acting Secretary, 26/6/1834.

to recognise and to endorse. He was humanitarian to a fault (including the fact that nowhere did he depict the Khoisan as other than a labouring class): Education, instruction in Christianity, and 'mild and impartial laws' were keys to upliftment, especially of the 'rising generation'. Whatever raised wages and created opportunities for work should be encouraged. Fair wages would induce Khoisan to enter service - a 'rational' view which strikingly contrasts with the opinions of Van Ryneveld (on their indifference to rewards) and Campbell (on the colonists' indifference, whether they engaged to work or not). According to Van der Riet, 'Hottentots' who formerly were 'scarcely permitted to cross the threshold' of village shops were finding 'their custom ... studiously sought for', now that they were better off.¹⁹ 'Vagrancy', he wrote, 'is a very vague and indefinable offence', and best controlled by more efficient police. He opposed encroachments on liberty - inherent in a vagrancy act - simply as a sop in situations where some robbers went undetected and some farmers could not attract as many servants as they wished. In a final - and surprising - thrust, Van der Riet made the point that if 'Hottentots are contented with a mode of existence repugnant to the ideas of the white population', their liberties ought not to be limited because of that.²⁰

The Kat River people petitioned to assemble to discuss the bill.²¹ Arrangements followed the format of the colonists'

¹⁹ CA, LCA 6, van der Riet-Acting Secretary, 26/6/1834. He pointed to the appearance of 'Mr. Messer's congregation on Sundays' as proof of their improved condition.

²⁰ CA, LCA 6, van der Riet-Acting Secretary, 26/6/1834.

²¹ CA, CO 2749, No. 87, Campbell-Brink, 25/7/1834, enclosing the Kat River memorial of 15/7/1834, signed by 39 leading men; 1/AY 8/23, No. 84, Brink-Campbell, 1/8/1834, p. 185. Macmillan speaks of their 'almost famous Protest Meeting', CCQ, p. 236.

meetings which preceded theirs: Resolutions were drafted in advance and leading men were briefed to present them.²² An invitation was published in the Journal:

We have seen in your Journal that Meetings are held in various parts of the colony, to talk about the Vagrant Law. All persons can never be of one opinion in one case, and we have, therefore, requested and obtained permission from the Civil Commissioner to talk over the case. There are points on which we differ from our friends in the colony, and they must not be angry if we do not agree to all the points. We intend holding a meeting on the 5th August at the Kat River, and invite friends and others to attend.²³

The Kat River meetings were an important milestone in the history of the settlement - for the unique documents produced, and for the fact the 'parties' already taking shape (Chapter 10) were made concrete.²⁴

Those who convened at Philipton on 5 August chose Dirk Hatha to chair the meeting. Hatha was an early convert of the LMS. He had assisted John Campbell on his travels and gone with Read to 'Lattakoo' where he remained among the Tswana for several years. In 1824 he accompanied the Tswana chiefs to Cape Town and was described by the Commercial Advertiser as 'a man of worth and principle ... [who] will be respected in any station'.²⁵ His

²² Read reported that 'Our Hottentots have just been having a meeting to propose a general one ... against the Vagrant Act', Read-Ellis, 3/7/1834, in le Cordeur and Saunders eds, Kitchingman Papers, p. 145.

²³ Andries Hatha, The Graham's Town Journal, 31/7/1834.

²⁴ Settlers who styled themselves 'the Hottentot nation' met twice, a week apart, at Philipton; the opposing group of mainly Bastards, centred at Balfour, produced a memorial but did not meet. For the two congregations and their ministers see le Cordeur & Saunders eds, Kitchingman Papers, pp. 130-31.

²⁵ SACA, 21/1/1824; CA, A 50(4), Report of a Meeting Held at Philipston [sic], 5/8/1834. Robert Moffat was less impressed with him, Read Sr-Kitchingman, 11/3/1839, in le Cordeur & Saunders eds, Kitchingman Papers, p. 206. Hatha was still performing certain services for the LMS in 1850, see ZL 1/3/19, Box 25,

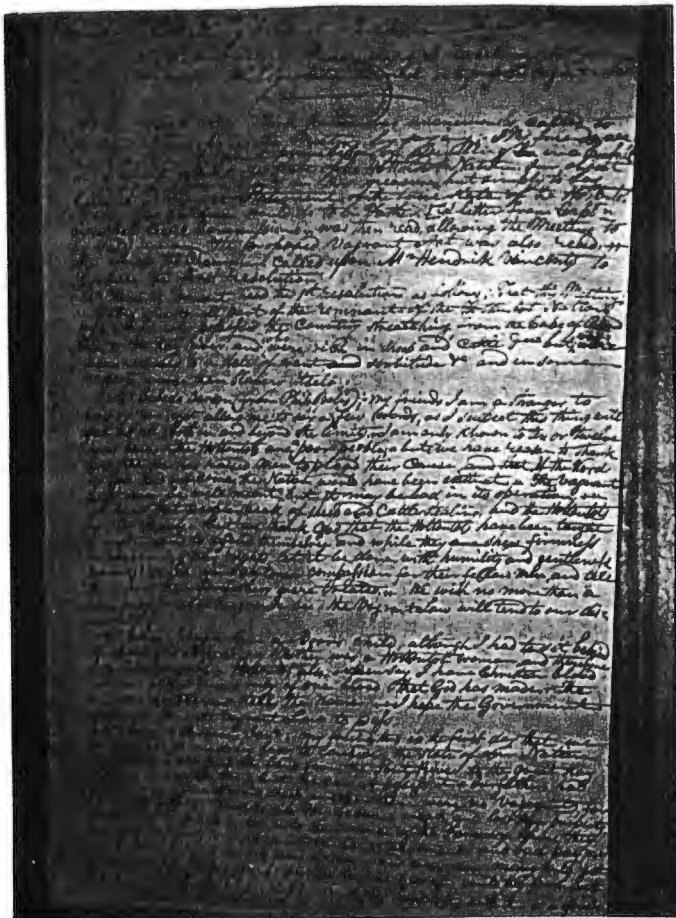
first years at Kat River were a struggle: The 1833 report refers to sickness and 'a great appearance of poverty and want'. However, it is evident that he enjoyed the esteem of colleagues.

In his opening remarks, Hatha adopted a self-consciously submissive posture, 'not to oppose the Govt. in this measure, but simply to lay before it a correct statement of the true state of the Hottentot Nation, as children would do to a Father'. The first resolution said who they were:

That this Meeting consists of a small part of the remnant of the Hottentot Nation who originally possessed the Country stretching from the Cape of Good Hope to the Kay river and who were rich in sheep and cattle, but who were reduced to a state of want, servitude &c and in some respects worse than slavery itself.

Three men spoke to this. The first, from Philippolis, thanked God for raising men to plead the Khoisan's cause and shield them from the charge that they were thieves: When they defended their rights, 'let it be done with humility and gentleness. Parents, teach your children compassion for their fellow men ...'. The 'Boor's child', Esau Prins, rejected the idea that he had 'Christian blood' on that account: 'I know only one blood that God has made'. He had been treated as, and called himself, a 'Hottentot'. Andries Pretorius Jr explained 'vagrancy' as the result of landlessness and the low wages paid: 'The Govt. have indeed given us freedom but we can still get no more pay.' Land continued scarce, as the Kat River was 'too small'. The government should 'give the Hottentots more lands, and then if they do not cultivate them treat them as vagrants'. The first resolution passed on a unanimous vote.

Folder 2A, Read-Freeman, 29/1/1850; Freeman, Tour of South Africa, pp. 125-26.



Report of a Meeting held at Philipston - August 5th 1834 - to consider the propriety of Memorializing His Excellency the Governor and the Honorable the Legislative Council on the proposed Vagrant Act.

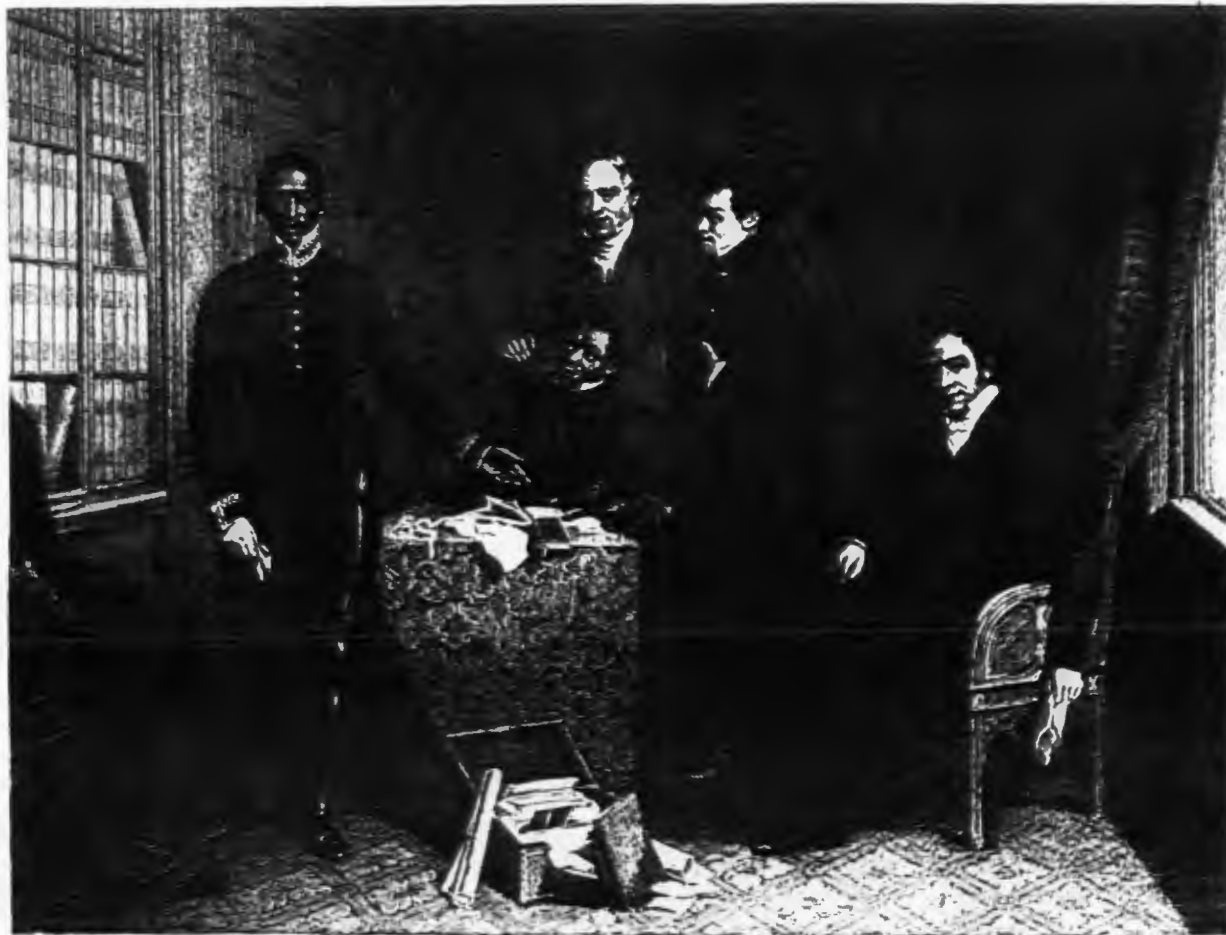
At ten O'Clock AM Dirk Hatha was unanimously called to the Chair - and opened the Meeting by saying - My friends, we have this day the great privilege of assembling in a lawfull way to speak about the state of the Hottentot Nation. Our object is not to oppose Govt. in this measure, but simply to lay before it a correct statement of the true state of the Hottentot Nation, as children would do to a Father.

A letter from Captn. Campbell, Civil Commissioner, was then read, allowing the Meeting to be held. The proposed Vagrant Act was also read, after which the Chairman called upon Mr. Hendrik Vincent to propose the first resolution.

Mr. Hendrik Vincent read the 1st resolution as follows: "That this Meeting consisting of a small part of the remnant of the Hottentot Nation who originally possessed the Country stretching from the Cape of Good Hope to the Kay river and who were rich in sheep and cattle, but who were reduced to a state of want, servitude &c and in some respects worse than slavery itself."

Mr. Cubedo Oerson (from Philippolis):- My friends I am a stranger to most of you, yet allow me to say a few words, as I suspect this thing will affect us all both in and beyond the limits. I am only known to ten or twelve faces here. The Hottentots are a poor people, but we have reason to thank God that He has raised men to plead their cause, and that if the Word of God had not come, the Nation would have been extinct. The Vagrant Act may be well meant, but it may be bad in its operation. We hear that people speak of sheep and cattle-stealing, and the Hottentots are the Theives, but we thank God that the Hottentots have been taught to write and to defend themselves, and while they shew firmness in preserving their rights, let it be done with humility and gentleness. Parents, teach your children compassion for their fellow men, and tell them ...

(Cape Archives, A 50(4))



JAN TIAZZO, ANDRÉS STOFFLES, THE REV. DR. PHILIP + REV. MESSRS. READ SEN. + JUAN
giving evidence before the Committee of the House of Commons

FISHER, SUR. & CO. LONDON & LATE 1836

By H. ROOM

DELEGATION TO THE SELECT COMMITTEE ON ABORIGINES, 1836

The second resolution read:

That the Meeting with gratitude acknowledges the Providence of God in directing the heart of the King of England, and His Council for making a Law by which they have been delivered from a State of servitude, and placed them on an equal footing with other of His Majesty's subjects.

On this, Andries Stoffel delivered an impassioned address - such that the three young Khoisan scribes lamented, 'we are sorry we cannot do justice to the oratory of this speech'. Nevertheless, his words have passed into the literature as closest to the sense and feeling of the occasion: '[T]he 50 Ordinance came out, then did we first taste freedom ... that other men eat so sweet - we rejoiced at the very word Freedom and Free Labour even before it was mingled with Water & Ground it is 20 times sweeter than forced labour'. Stoffel sketched a Khoisan history and expressed sad disillusionment about the British settlers whom the Khoisan had substantially helped: 'It is they that are against us, and not the Govt.' Despite the promise of the 50th Ordinance, the Khoisan in fact had neither land nor mobility commensurate with that enjoyed by the white colonists. 'Children', he urged the scribes, 'write hastily to the King, that he may know our case'.

The third resolution conveyed gratitude:

That this Meeting express their thanks anew to the late Governor Sir Lowrie Cole, and the Honorable Captain Stockenstrom who gave us lands in the Kat River.

On this, Windvogel Smit recalled the horrors of his youth - his mother bound and branded, then fleeing 'through the wilderness among the wild beasts', and himself the lonely shepherd of his master's flocks. In similar vein, Pieterward likened the Khoisan's former state to that of foxes - which, however, find safety in their holes 'which we had not' (see Chapter 10). The resolution passed and Andries Hatha moved as follows:

That this Meeting considers, that while the Hottentots were in expectation that something more wants be done to meet their wants, to their great astonishment they saw that a Vagrant Law was proposed which however well meant will tend

to involve the greater part of the Hottentot Nation into a State of degradation and servitude, for which we are greatly concerned.

This resolution evoked reflections on poverty: The mere fact of appearing poorly dressed was certain to invite arrest if there should be a vagrancy law. At this point, James Read Jr moved from the personal to the philosophical, speaking about the problems for 'equality' in ethnically divided societies, and why a vagrancy act in England was less subject to abuse than such a measure in the colonies must be: '[L]et then more lands be given out, and let the Magistracy display some energy, and that will answer every purpose of a Vagrant Act.' Read moved:

That this Meeting doubts that vagrancy exists to the extent that some affirm, but if it does exist in any degree it is to be attributed to the following causes, viz., want of land; low wages; bad treatment; want of instruction; bad diet, &c, and especially among the Dutch farmers.

A flood of memories followed this: 'I was tied hand and foot and beat unmercifully - why do you not speak in this strain my friends? why do you keep back? - yes I am "bont geslagen"' a Mr Magerman declaimed, remembering when he was 'ingeboeked' in the Camdeboo. Great resentment was evinced against the failure of (white) farmers to instruct, and their calling Khoisan 'vagrants' while they roamed and settled where they pleased. An old soldier said: 'I have served my King faithfully for many years and should consider it very hard now to be treated as a vagrant.'²⁶

When the meeting reconvened, after a week, the missionary James Clark appealed that the British settlers not be blamed to the same extent as the Boers for the oppressions of the past - though he regretted to see 'but one solitary English friend in the

²⁶ The full texts from which the above material was extracted were published, see SACA, 3/9/1834.

meeting to sympathise with them'.²⁷ Inveighing against canteens, he moved:

That this meeting does not consider that the proposed Act has its origin with his Excellency the Governor and the Legislative Council, but with those their fellow-subjects who wish to benefit by this law in getting the Hottentots into their service, and it is to be feared not so much to prevent crime as is pretended by some, and should crime prevail more ... in the villages than elsewhere, it is to be ascribed more to the canteens than anything else, as may be seen from the little crime which takes place at the Kat River, where no Canteens are permitted.²⁸

Mixed reactions followed Clark's appeal where the British settlers were concerned. Martinus van Beulen recalled the assistance he once gave ('I used to lend them my old horse') but now 'they want to reward us with a Vagrant Law, and thereby seal our degradation for ever!' Hans Tromp would not discriminate, asking why 'we are not privileged like the Boers to hunt over the boundary, or like the Settlers to trade in Cafferland'.²⁹

Turning to the ordinance, it was objected that the law enforcers must arrest even if they 'just suspect that I do not live honestly': 'Now many thousand suspicions are ill grounded in the world', the speaker pointed out. (This reading was correct: The first article provided that field cornets and others were 'required to apprehend' anyone that they 'may reasonably suspect

²⁷ This man, identified only as 'Mr. Thomas W.', won 'loud applause' when he said, 'Those Boers are Vagrants who have left the Colony, they ought to [be] brought in and distributed', SACA, 6/9/1834.

²⁸ SACA, 6/9/1834. A spokesperson - probably Read - explained that the proceedings were sent to the Commercial Advertiser because they were too voluminous for the Journal, see The Graham's Town Journal, 21/8/1834.

²⁹ It is unlikely that Tromp, who came from Enon, was wholly under Read's influence as critics of the Philipton meetings made out; Stockenstrom described him as 'well known as an excellent Sergeant in the late Cape Corps', CA, LG 11, No. 100, Stockenstrom-Bell, 1/7/1829, pp. 230-31.

of having no honest means of subsistence - or who cannot give a satisfactory account of themselves'.) 'What do the people want of us? What shall we do to please them? What have the Hottentots done?' Maurits Pretorius asked, adding, 'One ordinance comes in their favor to raise them, another soon follows to degrade them'.

The final resolution was read:

That the Memorial be drawn up to His Excellency the Governor and the Legislative Council of the Colony, founded on the resolutions agreed to, humbly praying that the proposed Act do not pass into a Law; but on the contrary, that sufficient land be given to the Hottentots and that they may be better paid, better treated, &c, and should this be done, we think the proposed Vagrant Law will be quite unnecessary.

Many speeches followed this - several by men described as 'an old serjeant' of the regiment. One of these foresaw himself bereft of property he presently possessed should the ordinance become a law, 'owing to the many poor Hottentot friends that would flee into the Kat-river, and he could not allow his poor relatives to be taken ... and given to the Boers'.³⁰ This sentiment throws light on what has been identified as an 'avoidable' cause of 'retardation' in the settlement, namely, the excessive 'hospitality' of 'Hottentots'.³¹ By August, when these meetings took place, it was claimed that the optimum population density had been reached, or even passed; some settlers had already been '"reduced to poverty"' as a result.³² The settler quoted above understood how crowding led to poverty and sketched, in despair, a future spoiled not by 'improvidence' but by the duty which humanity would lay upon him.

³⁰ David Jantje, SACA, 6/9/1834. This expectation of flight recalls the influx to Pacaltsdorp.

³¹ Marais, CCP, p. 225-26.

³² D'Urban-Philip, 22/6/1834, cited in le Cordeur and Saunders eds, Kitchingman Papers, p. 189; Hertzog, cited Marais, CCP, pp. 225-26.

Hendrik Heyn reverted to the notion of 'color' in relation to the law, a theme the younger Read had introduced: In England, 'because they are of one color they have so far an attachment for each other; but here it is not so'. Macmillan's claim that '[c]olour consciousness ... entered comparatively little' into the disputes of 1834-35³³ is contradicted by expressions of this sort. Though other terms implying status difference were adduced - 'Christian', 'settler', 'Boor', 'Hottentot' - pigmentation was clearly perceived as a cause of discord.

When James Read Sr took his turn, he looked at colour from another angle. A month before he had observed, 'There is only one thing that remains nearly stationary in Africa: that is the prejudices of the whites against the coloured population ... White men see that if they can only get black men to serve them, they can easily get through the world'.³⁴ Now he warned against division within the 'Hottentot nation' itself, where some were dark and others pale, predicting that the vagrancy law would first affect 'the blackest and poorest, but if allowed to go on, it will end with the whitest and richest of the colored population ... The one skin being a little whiter than the other will not help you long'.³⁵ With a Khoi wife and several children

³³ SACA, 6/9/1834; CCO, p. 242.

³⁴ Read Sr-Ellis, 3/7/1834, in le Cordeur & Saunders eds, Kitchingman Papers, p. 140. These sentiments are remarkably like those ascribed to a Khoi contributor to the Commercial Advertiser who castigated the British settlers: 'They soon saw that it was not the fashion for white people to associate with black men, that white men must be masters, and black men servants, and thus the friendship soon ceased', SACA, 2/8/1834.

³⁵ SACA, 10/9/1834. Likewise, Read addressed the division between rich and poor: 'It is ... the poor as well as the rich that have preserved the Kat-river Settlement, and the one could not do without the other. And so you that are rich should help the poor, for you are indebted to them for the preservation of your property'.

of 'mixed race', Read knew colour as a factor both in and out the settlement. However, this argument was certainly addressed to the Kat River Bastards who, though not a uniform group, were by and large "the whitest and richest of the colored population". Clearly Read saw the 'Hottentot nation' as a 'broad church' which would be weakened if those partly 'white' were to defect.

The Reads were not among the twelve men chosen to prepare the memorial. Its language ('clothed in British manufactures') suggests that they, or Philip,³⁶ were influential nonetheless. The memorialists warned against a 'colored population' placed at the mercy of 'white colonists'. With a vagrancy act, the 'prejudices and animosity of most of the white Inhabitants' must undermine the welfare of the 'coloured Inhabitants'. They asked 'that more LANDS be granted to the Hottentot Nation, and that the proposed Ordinance may not pass into a Law'.³⁷ The memorial was signed by four hundred of the residents.

A few miles away, in Balfour, some eighty men of Thomson's mainly Bastard congregation took the opposite view.³⁸ The editor of The Graham's Town Journal had anticipated this, insisting that the 'most intelligent' desired such an act: 'Nothing but the lax state of the laws with regard to Vagrancy has prevented the Kat River Settlement from rising before this into a flourishing district.'³⁹ The Balfour signatories asked that the draft 'be passed into a Law', declaring that they

³⁶ According to Barker, Philip prepared the first draft of the memorial sent from Theopolis, see below.

³⁷ SACA, 10/9/1834. Hendrik Heyn was one of the 12.

³⁸ As early as 1832, The Graham's Town Journal reported that 'several intelligent inhabitants of the Kat River' wanted stricter vagrancy controls, Editorial, 1/11/1832.

³⁹ Editorial, 12/6/1834, and passim.

are too sensible of the paternal solicitude of Government ... to entertain a suspicion that any act of the Legislative Council, will trench upon, or impair our lately acquired rights and privileges. The freedom resulting from the abrogation of the old law has been abused in too many instances: Those persons who are too indolent to acquire a subsistence by their own labour uninterruptedly traverse the country to the injury of the industrious to whom they often become a burthen, even if they abstain from acts of plunder, to which they are frequently compelled by hunger and destitution.⁴⁰

The process by which the memorials were drawn up and signed became the focus of accusations from both sides. For Read there was suspicious stealth where Thomson's congregation 'signed ... in a private way, without a public meeting'.⁴¹ Armstrong - whose hand in the Balfour memorial seems more evident than Thomson's own - took the opposite view, alleging that Read 'canvassed for their signatures' for several weeks.⁴² Religion was tarnished by politics when the signing was done 'in the vestry as they came from partaking of the Lord's Supper'.⁴³ Read felt impelled to say: 'The division now among us is complete'.⁴⁴

⁴⁰ CA, LCA 6, Memorial, Kat River, 20/8/1834, enclosed in Armstrong-Campbell, 26/8/1834 & Campbell-Hamilton, 29/8/1834. The signatories included sixteen party heads.

⁴¹ BPP, No. 538 (1836), p. 600; No. 503 (1837), Letter of Capt. A.B. Armstrong, 17/1/1835, p. 85.

⁴² CA, LCA 6, Armstrong-Campbell, 26/8/1834. Armstrong claimed that seven of Read's people signed the rival document and others wished they had. The memorial was published in The Graham's Town Journal with the remark that signatories had been canvassed first to sign the Philipton petition, 4/9/1834.

⁴³ CA, CO 4382, Thomson-Armstrong, 1/2/1836.

⁴⁴ Read-Philip, 13/8/1834, in le Cordeur and Saunders eds, Kitchingman Papers, n. 59, p. 145. See also ibid., n. 26, p. 151: 'Armstrong put pressure on Thomson's congregation to support the Vagrancy Ordinance in 1834, and Read was relieved when Napier transferred him in 1838.'

Philip Camphor of Theopolis attended the first meeting at Philipton so as to 'fully understand the proposed Vagrant Act'.⁴⁵ Permission obtained,⁴⁶ a meeting was held on 25 August with ex-Cape Corps private, Cornelius Magerman, in the chair. Hendrik Smitt declared that before 'the Bible came among us ... we were like a man enclosed in a cask stuck full of nails, which cask was rolled down hill, and because it was down hill there was no cessation of suffering'. With the missionaries' aid, the Khoisan 'are become men', and with the 50th ordinance they were blessed yet more. Platje Jonker put it thus: 'Every nation has its screen, the white men have a screen, the color of their skin is their screen, the 50th ordinance is our screen'. The vagrancy law, on the other hand, 'is for black men', Slinger Booy observed. 'It is a screw, and the same screw that we had before', was Zwartbooy Ruiters' succinct metaphor.⁴⁷ This was a youthful meeting: Looking around, the speakers noticed many who did not know the old oppressions at first hand.

Four resolutions were adopted - the first noting the dangers of the bill, the second distancing themselves from the alleged support by some Khoisan, the third insisting on the adequacy of the existing laws but asking for a check upon canteens ('here is the secret, when a white man drinks he only is blamed, but if a Hottentot becomes a drunkard the whole nation is blamed', Camphor had alleged). The fourth resolution proposed a memorial embodying these thoughts. When Godlonton published the Theopolis report,

⁴⁵ CA, A 50(4), Report of a Meeting ... 5/8/1834.

⁴⁶ See CA, 1/AY 8/85, Barker-Campbell, 11/8/1834, p. 401 and 1/AY 9/19, Civil Commissioner-Barker, 12/8/1834.

⁴⁷ CWMA, Box 14, Folder 2B, 'Outline of the speechis [sic] delivered ... at Theopolis the 25th August 1834', enclosed in Barker-Ellis, 6/10/1834.

his editorial pointedly affirmed his own support for the draft law.⁴⁸

Barker averred that 'the people themselves' took charge. A single settler (not named) attended in hopes, as Barker explained, that he could so present the measure as to persuade the Khoisan they need not oppose it - a mission in which he failed. A memorial which Philip had drafted was amended, the assembly wishing to assert that the tone of published letters and the sentiments at settler meetings signalled plainly what was then afoot. Almost two hundred signed this document. In Barker's perceptive words: 'The introduction of this measure into the council has produced a new era in the history of the colony, the Hottentots and other persons of color have petitioned against it, and have thus come forward for the first time in defence of their civil rights'.⁴⁹

Close to three hundred Khoisan (as usual, all men) signed a memorial sent from Graham's Town. Although the process is not clear, the non-formulaic content of the petitions suggests that they reflect, above all, the sense of the several independent meetings which were held. The Graham's Town memorialists pointed 'with joy and pride' to the achievements of Kat River 'Brethren'. Should the measure be enforced, 'industrious and valuable laborers' would suffer and the 'dissolute and worthless' be overlooked, not meriting the 'trouble and expence' of bringing them to book.⁵⁰

⁴⁸ Editorial and news report, The Graham's Town Journal, 28/8/1834.

⁴⁹ CWMA, Box 14, Folder 2B, Barker-Ellis, 6/10/1834.

⁵⁰ CA, LCA 6, Exhibit 57, Memorial of the undersigned free colored Inhabitants and Residents in Grahams Town and its vicinity, n.d. It appears that Hendrik Claas, Henrick Major, David Lyster, Stuurman Platjes, Duckstein (?) Spandilly and Andreas Seroe (?) wrote their signatures while the rest signed with an X next to their names.

Barker lamented that only three whites not directly involved with the LMS were prepared to sign the protests forwarded from Albany.⁵¹ As regrettable was the defection of the Bastards from the cause. The provenance of the Balfour memorial may never be pinned down. Campbell had claimed that the 'industrious' - meaning the Bastards, few of whom were aligned with 'the Schools and Missionary Institutions' - desired a vagrancy law.⁵² This echoes Armstrong with whom he was regularly in touch but, as an occasional visitor, Campbell had contacts of his own. The records do not afford firm proof of the Bastards' true sentiments. A witness who was aligned on Thomson's side in his strife with Read and Philip wrote:

The bastards of Kat River, like many other people, had been advised to sign a petition for a vagrant act, which would have applied equally to them as to the others. They thought at the time they signed this, that they were complying with the wishes of the governor whose sentiments were not known on the subject.⁵³

This supports Philip's claim (below) that the Philipton party had to resist strong pressure from the Balfour side.

The editorial in which Godlonton addressed the Khoisan readers of the Journal (mentioned above) was a remorseless castigation of opponents of the act. His reminder that they occupied 'the fairest and finest part' of the Cape hints that this prize might

⁵¹ No petition went from Enon but the Moravians' head missionary was emphatic that a vagrant act was dreaded, and regarded as both harmful and unnecessary by himself, BPP, No. 538 (1836), Hans P. Hallbeck, 20/4/1836, Qs. 3113-3165, pp. 340-44; CA, A 1129, Extracts relating to the Moravian Missionary Society, Letter dated 10/6/1834.

⁵² CA, LCA 6, Campbell-Acting Secretary, 11/7/1833 [sic - 1834].

⁵³ Alexander, Narrative of a Voyage, II, pp. 238-39. He was present when D'Urban visited the settlement and stated that he still opposed a vagrant act, p. 238. Marais believed that the Bastards 'no doubt hoped ... to check squatting in the settlement', CCP, see n. 1, p. 226.

well be taken back. Where many had been 'exceedingly ill-advised and imprudent', the eighty who signed for the act 'have displayed a feeling of honest fearless independence and of manly self-respect'. Criticisms of the British settlers were refuted, and at length. Van Beulen's remarks at the 12 August meeting (see above) were mocked: Godlonton asked if he 'who boasts of his brotherly kindness' had forgot that 'the whole settlement can testify ... [that he] is the last man who can be charged with an excess of zeal in this respect' - an allusion to his adultery with his brother's wife (see Chapter 10). The editorial concludes with the advice 'to reject in future every insinuation tending to shake their confidence in the benevolent intentions of government, and in the good feeling of the British Settlers towards them'.⁵⁴

D'Urban's decision, first, to vote with the minority of Council members against the final draft and, next, not to sanction the act but send it to the home government with the mass of opinion attached, came as a shock.⁵⁵ The Kat River people were said to be incredulous that he 'acted on their side in the legislative council; some persons in the neighbourhood endeavoured to persuade them that if they did not memorialize in favour of the Vagrant Act they would lose Your Excellency's favour and all their lands'.⁵⁶ Godlonton explained the apparent turn-about by the fact that the final draft was 'patched and twisted' by amendments.⁵⁷ Still the Khoisan's 'friend', he again stressed his

⁵⁴ Editorial, The Graham's Town Journal, 18/9/1834.

⁵⁵ For the home government's approval of D'Urban's proceedings see CA, 1/GH 1/104, Aberdeen-D'Urban, 11/3/1835.

⁵⁶ BPP, No. 503 (1837), Philip-D'Urban, 22/9/1834, pp. 167-68.

⁵⁷ Editorial, 25/9/1834, The Graham's Town Journal. Later Godlonton noted that colonial councillors voted for the bill while dissenters were recently from Britain, 2/10/1834. When he

motive to save them from being 'utterly exterminated by the indulgence of idle and vicious habits'. Public meetings were held where D'Urban's dissent was explained to disappointed colonists.⁵⁸ Before the agitation died down, Supreme Court Judge Kekewich surprised many with the news that the court records showed that, since 1830, crime had actually decreased.⁵⁹

Proofs of the disposition of some colonists to enforce the bill before enactment (as had happened near Pacaltsdorp) were soon in coming. Hertzog - anxious as always to block illegal entrants to the settlement - discovered Khoisan fleeing to Kat River 'for protection, being afraid to go under contract' by force. A rumour was abroad that field cornet Baird 'would come to mark everyone on their forehead to make slaves of them'. In fact, Baird did attempt to make out one-year contracts, binding some victims in his own employ.⁶⁰

learned that Chief Justice Wylde had changed his views (see Chap. 7), deciding that the Proclamation of 1805 applied to Khoisan vagrants after all, he described the lengthy public process as 'a work of supererogation' - going beyond what is required, Editorial, 16/10/1834.

⁵⁸ CA, CO 2749, No. 108, Campbell-Bell, 17/10/1834; 1/AY 8/23, No. 114, Bell-Civil Commissioner, 24/10/1834, pp. 261-62, and Bell-Resident Magistrate, 31/10/1834, pp. 266-67. Wylde appears to have prompted the Albany protests by certain remarks while on circuit, 1/AY 9/62, Case of Storm Platjes, Report of Criminal Cases, 13/10/1834. See also The Graham's Town Journal: 'One of the Public', 16/10 & 30/10/1834, and reports of the public meeting, 30/10 & 11/12/1834. For the endorsement of the veto, CO 5831, Official Notice, 6/8/1835.

⁵⁹ Cited in The Graham's Town Journal, 30/10/1834. Bradlow states, 'Beliefs about the incidence of crime coincided with beliefs about vagrancy ... existing information was inconclusive', 'The Khoi and the Proposed Vagrancy Legislation', p. 101.

⁶⁰ CA, 1/AY 8/85, Hertzog-Campbell, 8/9/1834, pp. 444-45; CO 2749, No.136, Campbell-Secretary to Government, 21/11/1834. Campbell gives 'Baird' as 'Bear', 1/AY 9/7, 18/9 & 21/11/1834.

The stand-off over a vagrancy law affected developments in other spheres. Macmillan traced connections between 'coloured' rights (represented by Philip's Researches, Ordinance 50, and the opposition to a vagrancy act) and the colonists' demand for parliamentary government.⁶¹ The Commercial Advertiser had been committed to a Cape parliament while 'Hottentots' - Andries Stoffel is named - argued against it to no avail. The heat generated over vagrancy changed Fairbairn's mind. In October 1834, Jane Philip informed her husband that

Fairbairn has just been in, and authorizes you to tell A. Stoffles that he is quite of his opinion now about a Legislative Assembly, and that he will not advocate the measure any more till the Hottentots and people of colour are fit to take their places in it along with the white population.⁶²

This intervention shows that Khoisan lobbyists (see also Hatha's letter) were employing a range of advocacy tools.

The antipathies engendered by this conflict, with the alleged schism between Hottentot/Gonaqua and Bastard,⁶³ were to have grave repercussions in the 1834-35 war. The Reads and their closest colleagues, especially those identified as 'Gonahs', were accused of sedition by which was meant encouraging the Xhosa to go to war on the understanding that the Kat River people would enter on their side. Andries Stoffel, Andries Botha, and Willem Valentyn ('Fortuyn') were charged with gun-running and secret communication with Maqoma and other chiefs, in which Read too was

⁶¹ CCQ, pp. 248-50. A Cape Town meeting petitioned for representative government to replace a discredited council, Editorial, The Graham's Town Journal, 23/10/1834.

⁶² Macmillan, CCQ, p. 249. The note ends quaintly with the words: 'But he wishes them to make haste, as he is still anxious that such an Assembly should be introduced.'

⁶³ Armstrong and Thomson propagated this thesis, see e.g. BPP, No. 503 (1837), Armstrong-Smith, 12/1/1835, p. 84, enclosed in D'Urban-Glenelg, 9/6/1836, & CO 4382, Thomson-Armstrong, 1/2/1836.

implicated. It was alleged that, under cover of the war, they plotted to massacre the Bastards because of grudges - but principally because they had approved a vagrancy law.⁶⁴

The 1834-1835 frontier war

In December, attention was diverted to the threatening situation on the eastern frontier.⁶⁵ Mid-year, severe drought had reduced the Enon people (and others) to 'the produce of the woods' - 'beans and peas, roots and bulbs'.⁶⁶ The drought contributed to tensions which involved the chiefs and Somerset in meetings, alternating with alarms. As Bank makes clear, the war which began on 21 December, when Xhosa invaded the colony on an extended line, was a turning point for 'race' relations, dealing a decisive blow to the ideals in which the humanitarian liberals believed.⁶⁷ The mild sparring which had characterised the editorial positions of the Journal and Commercial Advertiser gave way to anger and recrimination on the eastern paper's side, and efforts by Fairbairn to recast the words responsible for the storm of obloquy which broke upon his head.⁶⁸

⁶⁴ For a brief summary, see le Cordeur and Saunders eds, Kitchingman Papers, pp. 146-56 & notes 4-5, 26, 54; BPP, No. 503 (1837), enclosures in D'Urban-Glenelg, 9/6/1836, passim.

⁶⁵ Editorial, The Graham's Town Journal, 11/12/1834.

⁶⁶ CA, A 1129, Enon Diary, 6/7 & 16/9/1834.

⁶⁷ 'Liberals and their Enemies', Chap. 8.

⁶⁸ See e.g. Godlonton's editorial and the colonists' 'Advertisement', also Fairbairn's response, Journal, 2/1 & 23/1/1835. Godlonton denounced the entire coterie of liberals (Philip, Bannister, Pringle, Kay, etc.). Fairbairn remained the chief target of popular abuse, see e.g. Editorial and Correspondence, 6/1 & 30/1/1835. From its first issue (9/4/1830), Cape Town based De Zuid-Afrikaan was extremely hostile to Fairbairn and his rival Commercial Advertiser.

Philip issued a stirring call to missionaries to prepare the Khoisan to defend the colony:

The Hottentots are called upon in a particular manner to support the British Government, and to manifest their gratitude to the King and to His Excellency the Governor for the favor and the protection so recently bestowed upon them' ... [namely] the 50th Ordinance and more recently their deliverance from the Vagrant Act lately attempted to be imposed upon them. In the last mentioned case they owe everything to the Governor ... The honor of Religion, the Glory of God, and the salvation of many souls are all involved in the conduct of your people.⁶⁹

Theopolis and Enon were on the front line. Enon was evacuated to Uitenhage, leaving some twenty men to protect the station. No damage was inflicted there but on 6 January a four-man patrol was captured by Xhosa and disarmed. These Xhosa pointed out where they once lived - 'those were our kraals' - and said as well they would not touch the 'schools'.⁷⁰ Welcome as this was, immunity was a dangerous blessing since the colonists and military took it as a sign that 'Hottentots' and Xhosa were allied: One version had it that the Xhosa said the Khoisan were 'one nation' with themselves.⁷¹ The normally placid Van der Riet made it known that he was angry because the Enon men had not fought back, but had lost their weapons to their captors. He was alleged to have said,

⁶⁹ CA, 1/UIT 10/21, Bell-Civil Commissioner, 7/1/1835, enclosing Philip-Kitchingman and Philip-Melvill, 1/1/1835.

⁷⁰ CA, A 1129, Enon Diary, July 1834-Feb. 1835, and Hallbeck, 19/1 & 3/3/1835; CO 4381, sworn statements of Samuel Prins and Herman October before van der Riet, 8/1/1835. Prins was forced to accompany the Xhosa to the farm of Carl Mattys who was murdered and his homestead burned. The Xhosa may have been descendants of Chungwa's Gqunukhwebe who occupied various sites in the region, Peires, House of Phalo, pp. 11-12.

⁷¹ CA, 1/SSE 8/100, Hart-? reporting the evidence of Jeremias Stoffels, 8/1/1835.

`it was useless to send out Hottentots without an European accompanying them'.⁷²

Three days after war broke out, Barker asked for arms: The situation at Theopolis was made more perilous by the fact that English neighbours sent their cattle for protection there.⁷³ For ten days the station was cut off and under constant threat. A defender, the father of seven children, was shot dead but the defence held firm.⁷⁴ Valentyn Hector (a woodcutter in the Under Bushmans River ward) and a twenty-man patrol repulsed the Xhosa near Olifantshoek.⁷⁵ The Khoisan and their missionaries took care that arrangements were approved and nothing done that would expose them to blame:

The bearer Jan Boezak who has charge of a number of firearms and ammunition for Theopolis hearing of the number of Caffres said to be in the neighbourhood hesitates proceeding without more assistance for protection as in case of an attack the Caffres might get possession of the guns, etc. There are only four armed men by the wagon.⁷⁶

Theopolis men recovered horses, cattle and sheep stolen from the colonists (by March some sheep were lame and `dying very fast'). Farmers arrived to claim their stock and Barker asked for the correct procedure when releasing the rescued animals to them.⁷⁷

⁷² CA, A 1129, Enon Diary, 1834-35. Missionary Halter, who was at Enon and had sent out the patrol, defended the decision of the four men not to resist 100 Xhosa.

⁷³ CA, 1/AY 8/85, Barker-Campbell, 24/12/1834, p. 609.

⁷⁴ CA, ZL 1/3/12, Box 14, Folder 5B, Barker-LMS Directors, 22/12/1835.

⁷⁵ CA, CO 4381, van der Riet-Bell, 30/1/1835, enclosing Field Cornet Buchner's report of 28/1/1835.

⁷⁶ CA, 1/AY 8/86, Read-Campbell, 8/2/1835, pp. 141-42.

⁷⁷ CA, 1/AY 8/86, Barker-Campbell, 23/3 & 28/3/1835, pp. 258, 267.

Levies were raised in the frontier districts. A hundred men left on commando from Bethelsdorp - well aware, no doubt, of Philip's injunction (one heard Van der Riet berate refractory Boers, that 'the people they so much despised had shewn a far better spirit than they').⁷⁸ Alarmed about the drostdy town's defence, the magistrate of Somerset wrote: 'I shall press all stragling [sic] Hottentots etc. and others that appear fit for duty'. A tug of war developed between 'masters' and officials in the case of Khoisan under contract when it was announced that servants as well as others must be marched to Graham's Town.⁷⁹ As a compromise, those contracted prior to the proclamation of martial law were exempted⁸⁰ - which worked as well to thwart 'the getting up contracts to evade the Levy' (whether at the instigation of employers or the Khoisan is not clear).⁸¹ Commandant Evatt used the press to thank the 'Hottentots and colored people' of Uitenhage for uncomplaining obedience, praising their patrols and reporting that some had stood 'up to their necks in water' at the Bay, 'landing Government stores' ('A Bayonian' rejected this encomium for one section of the population alone).⁸²

After Armoed Prins was killed on 13 July, his commanding officer reported: 'He was a brave soldier who fought most desperately

⁷⁸ CWMA, Kitchingman-Philip, 2/1/1835, Box 14, Folder 3A.

⁷⁹ CA, 1/SSE 10/59: Resident Magistrate-Campbell, 13/1, 8/4, 15/4 & 22/4/1835; Resident Magistrate-Col. Smith, 7/2 & 2/3/1835; Resident Magistrate-Col. England, 7/4/1835.

⁸⁰ CA, 1/SSE 10/59, Resident Magistrate-Campbell, 22/4/1835; 1/SSE 8/89, List of Hottentots, 20/2/1835: nine men not in service were enrolled and eleven in service sent back.

⁸¹ CA, A 519(21), D'Urban-England, 5/4/1835, pp. 64-65. In the case of Somerset it seems that masters were more opposed, 1/SSE 10/59, Resident Magistrate-Campbell, 8/4/1835.

⁸² The Graham's Town Journal: 'The Hottentots of Uitenhage', 23/1/1835, and 'A Bayonian', 6/2/1835.

until every round of ammunition was expended.' Caution was advised regarding his widow Leentje and orphaned children's needs as there would be 'numerous' cases of the kind.⁸³ Barker appealed that widows be compensated with cows instead of Rds 1 per month during twelve months as proposed, which was less helpful and, moreover, would expire.⁸⁴

The Kat River settlers in the 1834-1835 war

In April 1834 the defensive force at the Kat River Settlement was reckoned at 759 men of whom 308 were mounted and 438 had guns.⁸⁵ Shortly before the Xhosa crossed into the colony en masse, Kat River men were mobilised to deal with Tyhali ('Charlie') whose behaviour was causing alarm. A few days after the 21 December attack, Somerset wrote: 'I fear it will be impossible to maintain the Kat River Settlement, as additional bodies of Kaffirs are overwhelming them'.⁸⁶ This was a military assessment, based on the situation 'on the ground'. For the most part, political

⁸³ CA, 1/UIT 10/75, Lt. Col. England-Col. Smith, 26/9/1835, enclosing Lt. Melville-England, 26/9/1835 & Smith-Civil Commissioner, 16/10/1835. Arrangements for Prins' widow became the model for later claims, see: CO 3979, No. 94, Memorial of Rachel Kees, widow of Jan Kees, 26/9/1835; 1/AY 8/24, Nos. 117 & 154, Wm. Smith-Civil Commissioner, 13/10 & 11/11/1835, regarding Mary Kees, Esther and Hannah Laberlot.

⁸⁴ CA, 1/AY 8/86, Barker-Campbell, 19/10/1835, p. 707 (see also a patrol led by Valentyn Jacobs which rescued stock taken from Philipps, Barker-Campbell, 13/9/1835, p. 669). After peace was restored, the women of Bethelsdorp whose fathers, husbands and sons were not yet home requested aid but had to wait yet longer for their possible return, 1/UIT 10/75, Smith-Civil Commissioner, 5/11/1835.

⁸⁵ CA, 1/AY 8/85, Armstrong-Campbell, 8/4/1834, p. 223, 'Statement of the Force of Men, Horses and Arms that may be commanded in the Kat River Settlement' (signed by Groepe).

⁸⁶ CA, 1/AY 8/85, Somerset-Campbell, 20, 22 & 25/12/1834, pp. 384-85, 587-88, 617.

conjecture shaped accounts of the war's progress in the settlement.

Great suspicion lingered from an earlier event, namely Read's invitation to Magoma to attend a Kat River Auxiliary Society meeting at Philipton in October 1833. On this occasion Magoma advised the Khoisan, 'God is your only friend', before he was arrested and taken away.⁸⁷ As seen, Read's overtures to the evicted chief and his concerns for peace on the frontier had irritated Cole. Relevant here is the construction of this episode as proof of the disloyal disposition of Read and his flock - and, by extention, of the LMS.⁸⁸ The colonists and military were the more receptive due to the persistent reports that the Xhosa promised 'Hottentots' that they had nothing to fear - only the whites.⁸⁹ Reviewing these events, Macmillan dismissed Theal's and Cory's accounts of treachery as being based 'on undue stress on flimsy evidence'.⁹⁰ Perfect loyalty, in war, on the part of citizens not wholly convinced of the wisdom of pre-war politics is a phenomenon which is fairly well known.

'Party spirit' permeates Read's journal and Armstrong's correspondence in the war's first weeks. Armstrong believed every hint that the Kat River people could not be trusted. He wrote: Andries Botha

has given more encouragement to the Gonah tribe, and to the ingress of their Kaffer connexion into the Colony, than any

⁸⁷ The Graham's Town Journal, 17/10/1833.

⁸⁸ BPP, No. 538 (1836), Colonel Wade, 21/3/1836, Q. 2781, p. 294.

⁸⁹ See e.g. Editorial, The Graham's Town Journal, 9/1/1835.

⁹⁰ CCQ, pp. 240-41. Marais, following Stockenstrom's account, endorsed Macmillan's opinion (he renders Macmillan's phrase as '"on utterly inadequate evidence"'), CCP, p. 227, n. 1, and Hutton ed., Autobiography, II, pp. 369-70.

of the other Heads of parties ... From all the information I have obtained, and which is cautiously given by the Bastards, there has not been one of the Heads of parties belonging to Mr. Read's Institution that has not been in secret communication with the Kaffers - at one time to a most alarming degree. I cannot say that Andries Botha has been more culpable than any of the others but that he is an influential person is most certain.⁹¹

When Armstrong discovered that Botha and Stoffel - like Botha, a suspect - were officers in the settlement's defence, he

thought it an expedient measure to throw a responsibility upon these two leaders, so as to make any overt act of theirs more tangible, and therefore at once appointed them Provisional Field Cornets. I am happy to say this measure has succeeded even beyond my expectation ... My policy has been to lull the suspicion as much as possible of those who were so unfortunately led away, until the termination of this war.⁹²

Persuaded by his fears that a number of Kat River people were on the point of going over to the enemy, Armstrong construed signs of loyalty as the product of his own cleverness. Here one notes the Bastards' part in shaping his impressions, and the half-admission that Botha's guilt was not supported by firm proof. The way in which Botha and Stoffel ('two of the most influential persons in the Settlement') were named field cornets acknowledged them as popular leaders while demeaning them as government dupes.⁹³

Armstrong succeeded in concealing his motives. Read reported a long friendly letter and, despite the ill feeling which he knew to exist, seemed to accept his bona fides - though he withheld respect. Of Stoffel's elevation Read remarked that this was 'the

⁹¹ CA, CO 4382, Armstrong-H.G. Smith, 20/2/1835. See also 1/AY 8/85, Armstrong-O'Reilly, n.d., pp. 686-87.

⁹² CA, CO 4382, Armstrong-Smith, 20/2/1835. Stockenstrom evidently was unaware of Armstrong's motives, describing the appointment as due to 'general approbation' for Botha's 'valour, activity, and zeal', Hutton ed., Autobiography, II, p. 369.

⁹³ CA, CO 4382, Armstrong-Smith, 20/2/1835.

first piece of wise policy we had seen in ... [Armstrong's] proceedings for he had wholly taken up a Party'. When Armstrong, having overridden Read's advice concerning defence, requested him to explain matters to the Khoisan, Read reported that the men 'very properly' asked 'that Captain Armstrong must speak to them himself, they were of age to answer him' - adding that the captain 'did not know how to manage Hottentots'.⁹⁴ Armstrong never relinquished his belief that the Kat River settlers' loyalty was due to his shrewd management, and that a false move would prompt them to desert - if not to the Xhosa, then to 'become an independent tribe across the Orange River, like other Tribes of Banditti that have already migrated to that part of the world'.⁹⁵ 'One great hold over these people', he wrote, 'is that Read is frightened out of his wits, and that therefore he will use his best endeavours to maintain their loyalty for his own sake'.⁹⁶ This remark has no discoverable basis in fact.

The Khoisan resisted Armstrong's plan to send non-combatants to Graham's Town from fear that they would be attacked en route - and also, Read said, that they would be prevented from going back. However, they had no choice when ordered to concentrate within the settlement. This defensive point was named Fort Adelaide. Read thought the move showed the Xhosa 'we were afraid of them', and the Khoisan worried that their unguarded homesteads

⁹⁴ CA, A 50(4), Read's Journal, begun c. 28/12/1834 and forwarded to Fairbairn on 18/1/1835. For Armstrong's denigration of Read see BPP, No. 503 (1837), e.g. Armstrong-Smith, 12/1 & 17/1/1835, enclosed D'Urban-Glenelg, 9/6/1836.

⁹⁵ CA, CO 4382, Armstrong-Smith, 20/1/1835.

⁹⁶ BPP, No. 503 (1837), Armstrong-Smith, 19/1/1835, p. 86, enclosed in D'Urban-Glenelg, 9/6/1836. The next day, Smith ordered Read to leave the settlement, CA, CO 4381, Smith-Armstrong, 20/1/1835.

were at risk.⁹⁷ Around 5 000 were crowded there 'in huts of mud and reed, with their cattle kraals on the river's bank'.⁹⁸ After nine months, with peace restored at last, the missionary Clark reported that around two hundred had died of fever in the camp.⁹⁹ Recollecting these events, Stockenstrom pointed out that Kat River was the only place where 'the entire population' had been mobilised and, moreover, that Armstrong's policy had meant that they were not allowed to 'save their property'.¹⁰⁰

In January, the Xhosa attacked Fort Adelaide. Groepe's house was burned and a son reported killed - a false report, as it turned out, and he recovered from his wounds. On 19 February the settlement repulsed a fierce attack.¹⁰¹ These events did not put a stop to the suspicions about treachery: In March a man - half 'Gonah', half 'Hottentot' - held in the Graham's Town jail named all the usual suspects in an account of secret communications with the enemy, and an illicit trade in guns. Klaas Platje's evidence weighed against a deposition by Read concerning the alleged sale of firearms to the Xhosa at the Kat River Settlement.¹⁰²

⁹⁷ CA, A 50(4), Read's Journal, enclosed Read-Fairbairn, 18/1/1835. Until then they were reported as holding firm at four points, Editorial, The Graham's Town Journal, 9/1/1835.

⁹⁸ Alexander, Narrative of a Voyage, II, p. 233.

⁹⁹ CA, ZL 1/3/12, Box 14, Folder 4E, Clark-Philip, 30/9/1835: Around 4 000 Khoisan were dependent on government rations during this period, and about twenty were killed.

¹⁰⁰ Light and Shade, p. 72.

¹⁰¹ The Graham's Town Journal, 30/1 & 27/2/1835.

¹⁰² CA, 1/AY 9/62, Clerk of the Peace-Armstrong, 26/2/1835 (enclosing the deposition, not found); A 519(21), D'Urban-Campbell, 4/3/1835; BPP, No. 503 (1837), Statement of Klaas Platje, pp. 88-89. Chiefly implicated were Read and Stoffel, with Botha, William Fortuyn (Valentyn) and Piet Dreyer also mentioned.

In March, acting field commandant Groepe and two hundred Kat River men entered Xhosaland with the colonial force, leaving Piet Camphor in charge of home defence.¹⁰³ By the war's end, some 12 000 cattle (including most plough oxen), many horses, and a bumper harvest were said to have been lost.¹⁰⁴ Citing Stockenstrom, Marais described the war's impact thus: "Forty-four of their dwellings were burnt to the ground ... 2,673 of the Kat River inhabitants had to receive support from the Board of Relief" established by the Government.¹⁰⁵

When Stockenstrom returned to the Cape, and to the frontier (1836), he found 'hundreds' of Kat River men detained for military service after the white burghers were sent home.¹⁰⁶ Interestingly, he showed more sympathy than Philip in this case. Perhaps on account of the crushing proofs of hatred and distrust against himself, Philip at first rejected the Khoi levies' complaints: They were not treated thus from 'being Hottentots' but because the country depended on the produce of the white farmers' 'estates ... which is not the case with them'. He warned the Khoisan to behave, or forfeit help from friends such as

¹⁰³ CA, ZL 1/3/12, Box 14, Folder 4E, Clark-Philip, 30/9/1835; A 519(21), Alexander-Armstrong, 17/8/1835, p. 191; 1/AY 8/24, No. 65, Acting Secretary to Government-Civil Commissioner, 12/8/1835: Camphor was awarded L7.10.0. for his duties between 30/3 and 11/7/1835.

¹⁰⁴ CA, ZL 1/3/12, Box 14, Folder 4E, Clark-Philip, 30/9/1835. Early losses were reported as chiefly 'those [animals] belonging to the Bastards' by The Graham's Town Journal, 6/2/1835.

¹⁰⁵ CCP, p. 227. See: CA, LG 42-47 for compensation; 1/AY 8/86, Jarvis-Campbell, 8/5/1835, p. 345, for the Kat River Committee for the Relief of the Sick and Destitute.

¹⁰⁶ Hutton ed., Autobiography, II, p. 369.

himself.¹⁰⁷ More devastating still was that large tracts allotted to them in the first place were awarded to Campbell, Armstrong, Hermanus Matroos, and two other men (part was restored, only to be alienated once again).¹⁰⁸

In May, Armstrong sent several military prisoners and a Gonaqua accused of theft to Campbell. His letter shows someone unstrung by his responsibilities or, perhaps, irremediably out of patience with the people entrusted to his oversight:

Those Fingos, Mantatees, and Gonah's are a sad pack of rascals ... nothing short of leaden bullets will ever reform any of those tribes, and had they not been admitted into the settlement, in addition to some of their pastors, who might have been equally well dispensed with, the Hottentots here would be as manageable people as any in the world ... [but they are now] completely spoilt Many of them voted themselves servants to Mr Read and then, when they found that would not do with me, they said they were servants of Ands. Stoffel!!!¹⁰⁹

As seen, the Reads had been ordered from the settlement. Armstrong, who had announced that he would lull suspicion till 'the termination of this war', spared nothing to prevent their going back. Space does not permit the catalogue of evils he imputed to the Reads in a memorandum of 23 July 1835, after D'Urban consulted him concerning their application to return to the Kat River.¹¹⁰ Needing 'more facts', the governor requested

¹⁰⁷ CA, A 2564, Botha's notes on the Pringle-Fairbairn Papers, II, Library of Parliament, Item 128, undated. But later he protested their detention, Williams, When Races Meet, p. 135, citing Philip-LMS Secretary, 11/2/1836.

¹⁰⁸ Hutton ed., Autobiography, II, pp. 369-71, 379.

¹⁰⁹ CA, 1/AY 8/86, Armstrong-Campbell, 2/5/1835, pp. 337-39. Missionaries and their followers from beyond the boundary congregated at Kat River for protection during the war.

¹¹⁰ CA, CO 4382, Armstrong's Memorandum, pp. 7-10. See CO 443, No. 31, Read-D'Urban, 19/6/1835, p. 154 & No. 91, no date, pp. 334-36.

that he and Thomson 'condense your joint views' about the dangers they foresaw from Read's presence in the settlement.¹¹¹

Thomson wrote of 'a factious and separating spirit' and 'a disposition to question every act of Government': As subjects the Khoisan had this right - but was it wise 'to agitate the minds of a weak unenlightened people who understand measures only as they affect their senses of present pleasure or profit'?¹¹² Drawing on Thomson's points, Armstrong sent his 'Further objections to Mr Read acting as a missionary at the Kat River Settlement'.¹¹³ Concurrently, he wrote to Lt-Colonel Smith who noted on one report: 'All this has been judicious and well done.'¹¹⁴ With opinion so against them, the Reads' reprieve hinged largely on the fact that D'Urban's broader post-war policies were overturned.

Smith, as head of frontier defence, commended 'the armed Hottentots of the Kat River Settlement'.¹¹⁵ This formal praise, and occasional high assessment of the Khoisans' fighting qualities,¹¹⁶ contrast with behind-the-scenes exchanges with

¹¹¹ CA, A 519(24), D'Urban-Armstrong, 8/12/1835, pp. 134-35, and 22/1/1836, pp. 176-77.

¹¹² CA, CO 4382, Thomson-Armstrong, 1/2/1836, pp. 1-6.

¹¹³ CA, CO 4382, Further objections ..., 1/1/1836, pp. 11-14; A 519(24), D'Urban-Armstrong, 4/3/1836, p. 244. Upon receiving this, D'Urban announced that he was satisfied - 'as I have always been with everything you have done'. According to Williams, Christian Groepe lobbied actively to prevent the Reads' coming back, When Races Meet, pp. 128-33.

¹¹⁴ CA, CO 4382, Smith's note on Armstrong-Smith, 20/2/1835.

¹¹⁵ General Orders, The Graham's Town Journal, 6/2/1835.

¹¹⁶ Alexander believed that they 'have a natural aptitude for war' and reported Smith as saying they were '"the finest fellows in the world for the bush"', Narrative of a Voyage, I, p. 359 & II, pp. 35-37.

confidantes such as Armstrong. All the same, Smith's and Evatt's soldierly acknowledgments stand virtually alone in noticing the colonial Khoisan's sacrifices during the war. The state of feeling at Kat River was immeasurably worsened by the fact that the war had deepened the 'party' schism. This manifested itself, for example, in the process by which land was given out. Thus we find Thomson intervening on behalf of certain applicants: 'I am solicitous for their success as they all except one belong to what is called my part of the community and I would wish to strengthen the influence in this quarter'.¹¹⁷ The mission Khoisan's contribution was eclipsed by the fact that many colonists held Philip to have favoured the enemy's cause.¹¹⁸ In the war's aftermath, D'Urban wrote: 'Whatever mischief there is among the Hottentots - and it is within the old colony more than without it - the founders and instigators are Dr Philip and his Partizans.'¹¹⁹

¹¹⁷ CA, DSGEP 82, C. Bell-Ebden, 5/4/1853, Enclosure C, List of Grantees, 6/2/1836-8/3/1837 and Thomson-Armstrong, 16/5/1836, regarding additional names for Hertzog's attention.

¹¹⁸ This opinion is uncritically reported by Theal, History, VI, pp. 118-19.

¹¹⁹ CA, A 519(24), D'Urban-Smith, 5/2/1836, p. 187.

V. CONCLUSION

This study has focused as firmly on the people called Khoisan as the sources permit. The rigour which this focus required has proved the most exacting aspect of the work. As far as possible the project has not become an inquiry into government and law when official documents were the source, or into mission policy and practice when those records were consulted. These sources, and the accounts of colonists and visitors to the Cape, have been examined for what they may suggest about Khoisan experience during the period and in the region defined. There are regrettable gaps: Flawed as the turn-of-the-century travel narratives by such as Barrow and Lichtenstein¹ may be, they provide vignettes of farm life, for example, which were not matched in the succeeding decades.²

The skewed nature of the source materials cannot entirely account for an anxiety about misrepresenting 'the people called Khoisan'. It has been asked: 'Are scholars, particularly non-African ones, entitled to speak on behalf of "the other"? If they do so, are they ... in danger either of exaggerating or inaccurately minimising the differences between themselves and this "other"?'³ My answer, to both questions, is 'Yes'. The

¹ Henry Lichtenstein, Travels in Southern Africa, in the Years 1803, 1804, 1805, and 1806, Cape Town: Van Riebeeck Society, 1928, 1930, 2 vols. Translated by Anne Plumptre.

² George Thompson's Travels and Adventures, ghost-written by Thomas Pringle, and Pringle's own Narrative, are helpful for the early 1820s. New secondary work concerning the early nineteenth century, and topics such as slavery and gender, has been immensely useful, as have recent insights into 'meaning and mentality, ideology and culture', Keegan, Colonial South Africa, Preface (no page).

³ Deborah James and Owen Sichone, 'Paradigms Slightly Obscured? A Partial View of the JSAS Conference Paradigms Lost, Paradigms Regained Held at York University, UK, 9-11 September

present project was begun in a now-distant past - 'another country', almost. The object of making visible was not conceived as speaking 'on behalf of' although, admittedly, it does partake of that. The 'danger' suggested by the second question is, indeed, immense. My failing, I expect, is one of minimising difference. It has been difficult to see colonial Khoisan of the period discussed as other than acculturated to the point of being very like low-status Europeans - albeit they were penalised in ways the latter were not. The records share the blame for this to the extent they endlessly reflect the Europeans' sense of difference, yet seldom yield clear evidence that Khoisan conduct or assumptions sprang from a culture alien to the colonists' own.⁴ Others working in the field may be more percipient in this aspect of recovery.

This concluding chapter returns to key issues and debates, and investigates matters relevant to Khoisan welfare and identity which promised to gain importance later on. The first section, 'Honouring Ordinance 50's intent', examines the efficacy of the ordinance in the light of what its framers may be deemed to have had in mind. A racial order was already in place. Officials and some colonists took equality as the ideal but relied for its achievement on the largely unassisted exertions of subordinate groups and the passage of time. The Khoisan's quest for land was generally unsuccessful, due to the rival claims of the white colonists and to the movement - inexorable, though slow at first - from a system of Crown land disposal by quitrent grants to one by public sale. The Kat River Settlement became the most conspicuous platform for expressions of ethnic consciousness by the Khoisan: Unable to foresee their integration, the settlers demanded status equivalent to that of other 'nations', the

1994', in African Studies, 54(1), 1995, p. 140.

⁴ See 'Missions and Transformation', Chap. 9.

English and the Dutch. The section entitled 'Theorising subjugation' considers how the dominant groups sought to present the processes of conquest and subordination in the colony's past, and how the status quo was represented popularly through stereotypes. The final section looks ahead to 1841, when the the 1828 ordinance was replaced by a Masters and Servants Ordinance. I conclude by pointing out that the difficulties which beset the 50th ordinance's Khoisan beneficiaries are uncannily like some issues which confront our present-day society and its new government.

12. Looking Back, Looking Ahead

`It is ... the thousand means that the spirit of oppression can employ and which I cannot recount':¹ Honouring Ordinance 50's intent

According to Duly, `both the government's administrative system and its general indifference to the implementation of ... [Ordinance 50] severely checked the code's intent'.² The first point is truer than the second - unless the latter chiefly rests upon neglect of the former. Did Duly attribute too much to `the code's intent'? Recent research supports the assertion that `acculturation and incorporation of the native peoples as a dependent class was always the humanitarian vision'.³ There is much evidence that the government was not indifferent to the spirit of the ordinance, if spirit is considered in this light. As to its letter, we know of Cole and D'Urban's caution with regard to the proposals for a vagrancy act, whatever their private feelings on the subject.

These governors admonished district officials whose `strict impartiality' appeared to lapse. When civil commissioner Campbell spoke of `the boldness and audacity with which the Hottentots commit depredations on the property of the farmers',⁴ Cole reprimanded him: Though `well aware of the evil dispositions of many of the Hottentots, His Excellency is not prepared to admit the circumstances ... as affording fair grounds for the general charge against that race'. Campbell drew back, explaining his remarks as referring to a `new feature in their Character' - a

¹ Sir John Cradock, 1812, see Chap. 3.

² `A Revisit with the Cape's Hottentot Ordinance', pp. 34-35.

³ Keegan, Colonial South Africa, pp. 106-07.

⁴ CA, CO 2721, No. 98, Campbell-Bell, 18/6/1830, p. 473.

departure from the 'caution' and 'petty nature' of their thieving in the past: He had not meant 'a general charge against the whole race'.⁵ In this exchange we see a government ready to rebuke its officers when they accepted the colonists' modes of thought. There was, however, little support for creating (in the language of the late twentieth century) an 'enabling environment', and even less for adopting a 'pro-active' stance. Concerning Khoi advancement, the editor of the Graham's Town Journal wrote:

... we maintain that the aborigines require no exclusive privileges ... Let education be placed within the reach of the Hottentot, - let salutary laws which may counteract his debasing propensities and ruinous habits, be enacted, and we may safely leave the rest to time and to individual exertion. To do too much is worse than to do too little'.⁶

Elphick and Giliomee have argued that, by 1800, a 'coherent assumption that Europeans were unique and special' compared with the 'non-European' was evident. They add: 'We think it appropriate to call this ideology ... "racist" ... superior qualities and privileges were attributed ... to a "race"' which was identified by colour as well as culture.⁷ One may acknowledge that 'by the eighteen thirties such racism was [still] far from being the caste-like structure which it became in the mid-twentieth century'⁸ without denying its power to entrench inequality, shape a society, or stunt the lives of members of subordinate groups.

⁵ CA, 1/AY 9/6, Campbell-Bell, 18/6/1830, p. 338; 1/AY 8/19, No. 61, Bell-Civil Commissioner, 8/7/1830; CO 2721, No. 129, Campbell-Bell, 20/8/1830 with enclosures, pp. 580-93.

⁶ Editorial, Graham's Town Journal, 9/10/1834. His sentiments are very close to Stockenström's in 1828, see Introduction, Part III.

⁷ 'European dominance at the Cape', Shaping, pp. 549-50.

⁸ Trapido, 'The Emergence of Liberalism', p. 35.

In its 'petty' form, racism might aim at social distance. Daniel Bretagne's request for recognition of his land claim at the Kat River (Chapter 10) happened to coincide with the publication of the minutes of the Philipton meetings in the Commercial Advertiser, where the speakers were styled 'Mr'. Thus Armstrong scoffed: 'I should have prefixed a Mr. to [Bretagne's] name. Mr. Fairbairn has given as to etiquette in that particular.'⁹ As we have seen, derision greeted Philip and Fairbairn's attendance at the gala dinner organised at Bethelsdorp. It was a common response when those 'of colour' suggested that their own behaviour or appearance resembled that of 'Europeans' - as when it was learned that Andries Stoffel told an English audience that young Khoi women were indistinguishable from 'English ladies', glimpsed from behind.¹⁰

Notwithstanding the professed object of equality before the law, colonial justice was racially biased.¹¹ Soon after the new justice system and Ordinance 50 were introduced Judge Menzies proposed distinctions according to race, especially respecting punishment since the 'feelings, principles, and circumstances of the white and black populations of this colony, are so different'.¹² Although not formally adopted, his arguments

⁹ CA, 1/AY 8/85, Armstrong-Campbell, 15/9/1834, p. 457.

¹⁰ See e.g. G. E. Cory, The Rise of South Africa, London: Longmans, Green & Co., 1919, 3, p. 296; R. Godlonton & Edward Irving, Narrative of the Kaffir War, 1850-1851-1852, Cape Town: C. Struik, 1962 (facsimile reproduction of 1851 and 1852 editions), p. 108.

¹¹ Duly, 'A Revisit with the Cape's Hottentot Ordinance', pp. 41-44; Leslie C. Duly, '"Hottentots to Hobart and Sydney", The Cape Supreme Court's Use of Transportation, 1828-38', Australian Journal of Politics and History, 25, 1979, pp. 39-50.

¹² CA, CO 372, 'Observations on Some Parts of the Judicial System and Civil Establishment of the Colony of the Cape of Good Hope', pp. 250-51 (enclosed in Menzies-Cole, 16/2/1829, pp. 202-03). Menzies referred to the free people of colour in the colony

informed the thinking of the bench.¹³ The meaning of equality is not straightforward, then or now, of course:

Courts of law cannot dispense with the principle of equality but it remains open to question in what respect two cases must resemble each other in order to be regarded as equal: in the legal ingredients of the particular offence, the damage done to victims, the personal circumstances and motives of the offenders, or the prospect of their social adjustment.¹⁴

Many examples could be cited where the supposed 'circumstances and motives of the offenders', if they were 'of colour', were crucial to a judge's rationale in sentencing.

Some were optimistic about the extinction of discrimination but their hopes invariably relied on transformation - of the outgroup's lifestyle and of popular feeling - which required additional time. In 1841 the governor, Sir George Napier, advised that prejudice against attendance by coloured children in the government schools was decreasing and soon would 'be forgotten'.¹⁵ This wishful thinking followed by a mere eight years a missionary's observation that 'Hottentots', despite equal civil rights, still lacked the means to their 'improvement' because of 'the current of prejudice' against them.¹⁶ School integration did not flourish as Napier had predicted, but

as '35,667 semi-civilized barbarians, or wholly uncivilized savages', ibid., p. 244.

¹³ Duly, 'A Revisit with the Cape's Hottentot Ordinance', p. 43 and n. 78. Burton who, of the four judges originally appointed, was the most committed to impartiality was transferred from the Cape in 1832.

¹⁴ Max Grunhut, Penal Reform: A Comparative Study, Oxford: Clarendon Press, 1948, p. 5, cited Malherbe, 'Khoikhoi and the Question of Convict Transportation', p. 28.

¹⁵ CA, GH 28/17, No. 85, Enclosure No. 2 in Napier's Despatch of 26/8/1841, pp. 767-792: 'Report on the State of the Colony', p. 772.

¹⁶ CWMA, Box 13, Folder 4C, T. Edwards-?, 17/12/1833.

retrogressed in the ensuing decades.¹⁷ Faith in the 'civilising' project and the promise of education declined.¹⁸ In 1849 a representative of the LMS saw fit to concede that 'progress' was a matter 'of time, as one generation gains something in advance of the preceding'.¹⁹

The idea that a polity embracing heterogeneous groups might accommodate diversity, without the privileging of one above the rest, was unfamiliar in the nineteenth century. The notion which held sway then and later was that acculturation - accomplished by the slow accretion of attributes which signified the dominant group - was a prerequisite for integration.²⁰ In the 1920s, Macmillan wrote, 'even had there been more common ground and sympathy between ... [the missionaries and the colonists], the rise of the Hottentots in the scale of civilization could not have evolved except in the course of generations'.²¹

We have the evidence of civil commissioner Van der Riet that some Khoisan, at least, were rising on the economic scale (Chapter 9). For the most part, they remained in what we call a 'poverty trap' - too poor to purchase land without significant help, to pay a fee to the Matrimonial Court, to bear the costs of civil suits, to extricate their livestock from the pound, to meet the opgaaf in some cases, and so forth. Robert Miles, who stood in for

¹⁷ Sales, Mission Stations and the Coloured Communities, p. 154.

¹⁸ Bank, 'Liberals and their Enemies', Chap. 8.

¹⁹ J.J. Freeman, in 1849, cited by Sales, Mission Stations and the Coloured Communities, p. 130.

²⁰ The extent to which the Khoisan embraced this view is difficult to establish, but note the examples of emulation cited above (p. 429). Taking on the attributes of the dominant group ('aping') was as open to derision as failure to do so.

²¹ CCQ, p. 233.

at one point, remarked that individuals who were pushed to build substantial houses had 'contracted debts which have pressed heavily upon them'.²² Such constraints were, in effect, the brutal facts which Khoisan in the towns and at the missions faced when their 'improvement' failed to measure up.

'The Boors have abundance of lands, and the Settlers but the Hottentots not.'²³

The primacy of land as a signifier of well-being, and of justice done, is unmistakable in records of Khoisan opinion. By 1834 the prospect was at hand of land demands not only by Khoisan but by freed slaves - groups which, with the 'free blacks' and Bastards, were being lumped together as 'the coloured classes'.²⁴ Dependent on the point of view, there were still 'abundant unoccupied lands in the vicinity of the Institutions, and intersecting the Farms of the Boers'²⁵ - or there were none. In the same way, the Khoisan and other 'free persons of colour' were deserving and necessary beneficiaries - or not worthy of consideration at all. The soldier-explorer Alexander, who arrived at the Cape in 1835 and gleaned his impressions in the excited milieu of a frontier war, said that 'Hottentots might, and ought to have been provided with land elsewhere' than at Kat River, but did not point out any land which would be willingly surrendered to them.²⁶ The question

²² CA, ZL 1/3/10, Box 12, Folder 3B, General Report, 27/10/1830. The missionaries at Bethelsdorp referred to the 'many difficulties' in the way of better houses, CWMA, Box 14, Folder 1C, Half-yearly Report, 24/6/1834.

²³ Andries Pretorius Jr, see CA, A 50(4), Report of a Meeting held at Philipston [sic] ... 5/8/1834.

²⁴ See e.g. Mason, '"Fit for Freedom"', pp. 570-71. Mason says, 'The invention of "coloured" was only beginning in the period of emancipation', p. 590.

²⁵ Letter from the eastern frontier, SACA, 14/6/1834.

²⁶ Narrative of a Voyage, I, p. 373.

of availability of land is complicated by the fact that Dutch farmers were in a similar plight: 'By the 1830s a majority of Boers were non-landowners, and those many who did not personally own land were increasingly finding it difficult to gain access to land for their stock.'²⁷

On completion of a frontier tour after the 1834-35 war, Governor D'Urban circularised officials with a view to giving the 'Hottentot population locations and domiciles - by grants of ... the still disposable Crown lands ... where, by feeling the value of property of their own, they may be incited to the Industry necessary to improve and maintain it'.²⁸ In line with what had become a worn scenario, Uitenhage was warmest in accepting the idea: 'I rejoice that Your Excellency has condescended to notice the case of the hitherto neglected coloured population and intend making land a medium of ameliorating their circumstances.' Among the memorials enclosed was one by William Goliat:²⁹

Memorialist is a discharged soldier from the Cape Corps Cavalry and has a pension of twopence farthing per diem, that he resides at Bethelsdorp and goes weekly to Uitenhage to labour as a gardener, etc., that having a wife and four children to provide for he would gladly reside at Uitenhage if he had a place where he could reside, he therefore humbly prays that Your Excellency will be pleased to add to the obligations which he already owes to Government by granting him a small plot of ground in the vicinity of the town ...

Already Van der Riet had instructed the land surveyor to mark out plots 'at the extremity of the Town'. As a rule, he said, it was

²⁷ Keegan, Colonial South Africa, p. 187. Keegan points to inefficiency and corruption connected with land survey, and the 'aggressive speculation' in land by British settlers.

²⁸ CA, 1/UIT 10/20, D'Urban-Civil Commissioners (circular), 5/2/1836.

²⁹ CA, SG 1/1/3/3, Charles Hymen-D'Urban, n.d. (but 1836-1838) & enclosures: William Goliat, Adam Passin, Esau Adamse, Carel Cupido, Gert Goezie, and Windvogel Plaatjes.

difficult to establish such locations because they 'would not be entitled to - and much less allowed - a share of the water supplying the erven in this town'. In this case a convenient spring allowed for the distribution required.³⁰

D'Urban's promptings appeared to refer also to rural land. By mid-century there were still 'vast expanses of Crown land' in the district of Graaff-Reinet, much of it contiguous and eligible to be disposed to single applicants or en bloc on the pattern of Kat River.³¹ But the opposition was strong: When Campbell reported (before their wartime losses) that the Kat River settlers lived 'in utter destitution'³² he implied several things - above all, the mistake in thinking that 'Hottentots' (distinguished from Bastards) were capable of prospering in a state of freedom, on land grants of their own. The replication of Kat River was mooted in some quarters, not primarily as an act of justice or an encouragement to industry but to promote defence. An officer who was familiar with the eastern frontier believed that up to 6 000 loyal men who 'know the use of fire arms perfectly well' might be recruited with their families.³³ But Wade shared Campbell's views, calling it 'the greatest of all mistakes' to suppose that a scheme 'on a similar scale ... would be attended with like success' - relying as it would on 'vagrant Hottentots', without

³⁰ CA, SG 1/1/3/3, van der Riet-D'Urban, 9/1/1836.

³¹ Saul Dubow, Land, Labour and Merchant Capital in the Pre-Industrial Rural Economy of the Cape: The Experience of the Graaff-Reinet District (1852-1872), University of Cape Town: Centre for African Studies, Communications No. 6/1982, p. 64 & map, no page number.

³² CA, LCA 6, Campbell-Acting Secretary, 11/4/1833 [sic - 1834].

³³ BPP, No. 538 (1836), Capt. Spiller, 17/8/1835, Qs 860-870, pp. 72-73.

PLATJE BOEZAK

8/13/53
To his Honour, Colonel John Hare, Lieutenant
Governor of the Eastern Province of the Cape of
Good Hope, &c. &c.
The Petition of Plaatje Boezak, residing
at Blinkwater.
Sheweth
That your petitioner was for
some time Sergeant in the Cape Corps, and
discharged, when the Corps was broken up, while
under the command of Colonel Frazer. That he
was in the Corps for three years, and not he
receives any pension your petitioner prays that
your Honour will take into consideration, whether
he be not entitled to a pension for his long service.
Your petitioner also begs leave to state that he
has been appointed Chief of the Kat River Settlement
by your Honour, but as the duties of that office
have not been pointed out to him, your petitioner
begs to know what duties he has to perform, and
what payment he is to receive.
Further your petitioner begs to state to your
Honour, that the farm on which he is residing
at Blinkwater, below the Winterberg is the same
on which his two brothers resided, who were both
commandants: that the last of them died about
three years ago: and your petitioner prays
that the said farm may be granted to him,
so that he may have a legal title to it.
And your petitioner will ever pray ...

MEMORIALS 1840-41

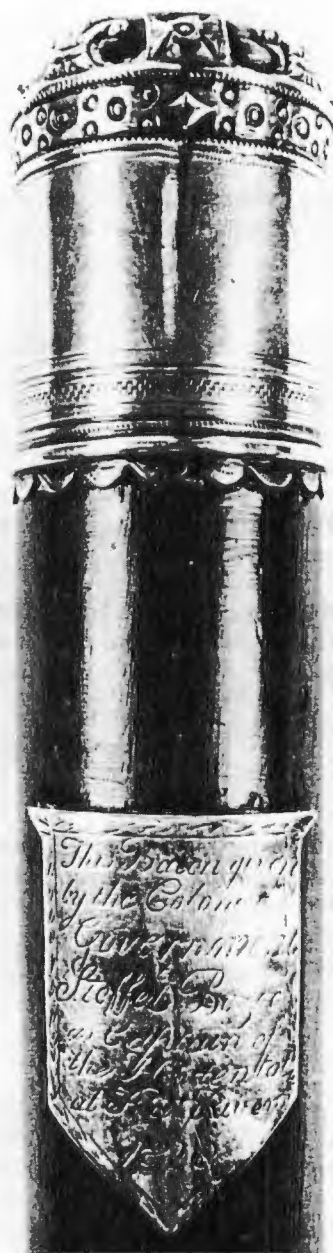
To his Honour, Colonel
John Hare, Lieutenant
Governor of the
Eastern Province of
the Cape of Good Hope,
etc.

The Petition of
Plaatje Boezak,
residing at
Blinkwater, Sheweth
That your petitioner
was for some time a
Sergeant in the Cape
Corps, and discharged,
when the Corps was
broken up, while under
the command of Colonel
Frazer; that he was
twenty-three years in
the Corps, and not
having received any
pension your
petitioner prays that
your Honour will take
it into your
consideration, whether
he be not entitled to
a pension for his long
service.

Your petitioner
also begs leave to
state that he has been
appointed Chief of the
Kat River Settlement
by your Honour, who
presented your
petitioner with a
staff of office, but
as the duties of that
office have not been
pointed out to him,
your petitioner begs
to know what duties he
has to perform, and
what payment he is to
receive.

Further your petitioner begs to state to your Honour,
that the farm on which he is residing at Blinkwater, below the
Winterberg is the same on which his two brothers resided, who
were both commandants: that the last of them died about three
years ago: and your petitioner prays that the said farm may be
granted to him, so that he may have a legal title to it.

And your petitioner will ever pray ... (CA, LG 554)



The plate on this stinkwood and silver 'captain's' staff reads: 'This Baton given by the Colonial Government to Stoffel Bozoc as Captain of the Hottentots at Kat River 1828'. The date is incorrect as the Kat River Settlement was established only in 1829. Lt. Col. Bourke bestowed a staff on one of the Boezaks when he visited Theopolis in 1827, see Chap. 6, n. 12.

Africana Notes and News, 28(2), June 1990, pp. 83-85.

enough of the 'infinitely superior class' of Bastards as a leaven.³⁴

New settlements were stalled until Stockenstrom returned from Europe as lieutenant-governor of the eastern districts.³⁵ The Fish River Settlement, between the confluence of the Kat and Fish rivers and the sea, had a short life: Goats which Stockenstrom provided from 'his private purse' languished and died of disease, rations - a quid pro quo for contributions to defence - were arbitrarily stopped and, before long, a patrol drove the settlers from lands to which they felt entitled as would 'any Englishman or Boor'.³⁶ Marais attributes this disaster to 'bad land'³⁷ but suspicions like those which undermined Kat River were the likely cause.³⁸

In 1835, before the Fish River lands were opened up, Kat River settler David Jantje petitioned on the grounds that he had

done much work on my location - but that as my farm is too small for my family - and having two sons - without farms - it is my humble request that your Excellency may do me the favor to grant me a farm on this side of the Chumie [Tyhume] River, where it comes out of the Mountains - near its source.³⁹

³⁴ BPP, No. 538 (1836), 21/3/1836, Q. 2781, p. 289.

³⁵ See Stockenstrom-Glenelg, 7/1/1836 & -D'Urban, 3/11/1836, in Hutton ed., Autobiography, II, pp. 36, 105.

³⁶ CA, GH 28/17, Memorial of 'individuals late of the Fish River Settlement', enclosed in No. 130, Napier-Secretary of State for the Colonies, 22/11/1841, pp. 1083-87.

³⁷ CCP, p. 216, n. 3.

³⁸ When eighteen Khoisan requested compensation for 'land and losses', they cited an allegation of gun trading with the Xhosa as the reason for their expulsion. Should it be true, they pointed out, the guilty only should be punished and not the innocent.

³⁹ CA, CO 3979, Memorial No. 21, 21/7/1835.

Jantje was the 'old serjeant' who was described as industrious but quarrelsome (Chapter 10), who complained 'the Boers ... always cheated him', and who foresaw refugees crowding in upon the settlers should a vagrancy act become the law.⁴⁰ D'Urban was advised to give Jantje's sons grants of the same extent that settlers normally received.⁴¹ It is not clear where those grants were meant to be: The one for which Jantje asked appears to have been outside and to the east of the existing settlement. One is left with a sense that the Kat River Khoisan were unable to expand by acquiring land beyond the boundaries of their enclave.

Thus on all fronts - in towns where the established townsmen could monopolise resources and keep 'the coloured classes' on the fringe, as well as in rural areas with respect both to new settlements and single farms - the prospects for satisfying Khoisan land hunger remained bleak.

Auguries for Khoisan welfare in the Kat River Settlement

Chapter Ten began with a brief reference to the positive accounts of the Kat River Settlement in its early days. Its value to those who gained admittance and were granted land was eloquently attested by speakers at the public meetings held in 1834. But by alluding to anxieties and problems which they faced - some practical, some on account of colonists' ill will - their speeches drew, not understanding, or attempts at aid, but lectures on ingratitude. The sympathetic interest of the Commercial Advertiser was outweighed by the largely hostile

⁴⁰ As a result of earlier efforts 'to enlarge his land', Jantje's initial grant included 'land intended to be given to his Sons', under a single title deed, CA, A 707(18), No. 20. His behaviour suggests a long-range strategy to enhance his family's holdings.

⁴¹ CA, CO 3979, Memorial No. 21, see Armstrong's comment (22/7/1835), D'Urban's approval (25/7/1835), and the surveyor's note: 'Not included in my Survey' (n. d.).

attitudes aired by the eastern press (as well as by De Zuid-Afrikaan, the Advertiser's western rival). After the Xhosa invasion of the colony in December 1834, the encouragement of friends was all but obliterated by the complex politics of war.

It has been noted how, on his return from England late in 1829, Philip sensed a Machiavellian design in the foundation of the settlement. This impression was confirmed for him in 1830 when Cole, having toured the eastern districts, reported negatively about Theopolis and Bethelsdorp: One 'heard of nothing but the superiority of the Hottentots at the Kat River under the direction of Government to those at the mission stations', Philip fumed. By this construction, the drawing off of 'deserving' Khoisan became a plot to cause the 'ruination' of the missions and provide the excuse for a new virulence against those 'Hottentots' associated with the LMS.⁴² The erosion of trust between Philip, Stockenstrom and successive governors was (with the 'party spirit' already discussed) prejudicial to the future of the settlement.

Various reasons have been given for the ultimate decline and 'failure' of the Kat River Settlement. Macmillan pointed out: 'So long as even the best of "Reserves" are mere islands, set in the midst of a sea of farm labourers who have no prospects ... all of them must suffer a similar fate. They are inevitably swamped by "squatters" from the neighbouring districts ...'.⁴³ Marais cited crowding and the proverbial 'hospitality' of the Khoisan, adding: 'Among the causes of retardation, however, there were none so effective as the frontier wars which three times

⁴² CWMA: Box 11, Folder 4B, Philip-Orme, 18/11/1829; Box 12, Folder 1D, Philip-Hankey, 18/12/1830 (in this letter Philip gives his version of Read's transfer to Kat River); Box 12, Folder 4B, Philip-Hodson, 14/1/1831.

⁴³ CCQ, p. 241.

devastated the settlement'⁴⁴ (he discussed the last in some detail). Kirk dwelt upon the land-and-labour quest of the white commercial classes of the eastern Cape in response to Britain's expanding wool market.⁴⁵ The full impact of these factors was only felt some years beyond the period of this study, in which the emphasis has necessarily been on early struggles, and on the signs of trouble ahead.

Coloured identity and 'Hottentot nationalism'

In his early, more tolerant phase, Godlonton remarked that the Bastards were inclined to 'lord it over' the Khoisan, adding enigmatically that though the former possessed more property and intelligence, the latter 'have shown an unconquerable spirit of opposition'.⁴⁶ This positive note suggesting striving (if from a lower base) found little echo in the rote belief in Bastard superiority - they being, among other things, 'much more industrious than the pure Hottentots'.⁴⁷ Also ignored (and not repeated by Godlonton himself) was his reproach to Bastard arrogance. Andries Botha is supposed to have expressed resentment of that fact in conversation with the governor in 1835: 'When we came here [to Kat River], we were told that we were all Hottentots, and all equal; but we are not so. There are Bastards among us, and we think that they wish to rule over us, and make us slaves'.⁴⁸ This last point suggests a construction of

⁴⁴ CCP, pp. 225-26.

⁴⁵ 'The Cape economy and the expropriation of the Kat River Settlement, 1846-1853', passim, in Marks and Atmore eds, Economy and society.

⁴⁶ 'A Traveller', 6/6/1833, The Graham's Town Journal. This pseudonym is attributed to Godlonton, DSAB, II.

⁴⁷ 'E.F.', 10/8/1832, The Graham's Town Journal.

⁴⁸ Le Cordeur and Saunders eds, The Kitchingman Papers, p. 155, n. 54, citing Alexander, Narrative of a Voyage, 2, pp. 237-38.

`freedom' additional to the meanings which Elbourne has identified. Unfreedom lurked in the ascendancy of a small group backed by powerful allies when society lacked (as was usual at the time) effective safeguards for the popular will. If `make us slaves' seems hyperbolic, it expresses a legitimate fear where the hold on freedom was contingent and weak, and the movement to curtail liberty (by a vagrancy law) was supported by the favoured group.

In the 1830s, numbers of Khoisan chose to assert a `Hottentot' identity. Trapido has traced the emergence of a `political consciousness' which he calls `Hottentot nationalism'. Nationalism is not defined and seems directly to derive from references by speakers at the Kat River meetings to the existence, past and present, of a `Hottentot nation'. Trapido describes the `socially heterogeneous' composition of these gatherings - `far more heterogeneous than those whom Stuurman led thirty years before' - and mentions the fact that `a Khoi language' was spoken as well as `broken Dutch'. He also notes the evidence for class divisions in the settlement, which were resented.⁴⁹ The foundation for a nascent nationalism was thus in some ways fairly weak.

The `consciousness' of nationhood was not `inevitable', Trapido states. `Hostile' but credible witnesses (Armstrong, Thomson and Moodie) point to Read as working behind the scenes to create allegiance to the appellation `Hottentot'⁵⁰ - to such effect that even `the children of prosperous ex-slaves' embraced it.⁵¹ It was

⁴⁹ `Emergence of Liberalism', pp. 50-51.

⁵⁰ See especially the Armstrong/Thomson correspondence in CA, CO 4382.

⁵¹ It should be noted that the persons referred to evidently had a `Hottentot' mother, CA, VC 888, Moodie Papers, undated essay, pp. 17-18.

alleged that 'Read's congregation "often use and make the ear ... familiar with the term 'Hottentot' and 'Hottentot nation'"'⁵² - implying that an exclusive, perhaps sinister, advantage was sought. What might that advantage have been? Armstrong saw it as self-government for the Kat River settlers - the replacement, as it happened, of himself by 'their own Magistrates selected by themselves'.⁵³ In a long polemic, Moodie wrote of the 'political feeling which reduced the colored man of Albany, or Kat River to call himself a Hottentot, as thereby entitled to a more immediate share of the sympathy produced upon the public mind by such writings as those of Dr. Philip'.⁵⁴

Referring to the twentieth century phenomenon of African nationalism in South Africa, Leo Kuper states:

Nationalism is not easily defined in the context of South African society, which binds together, in a political unit, diverse racial and ethnic groups Consciousness of identity among English-speaking South Africans was fused with sentiments of loyalty to Britain, and this impeded the growth of a purely local English nationalism There has been no development of a specifically Indian or Coloured nationalism; presumably both groups lack the sentiments of unity, the territorial base, and the numbers necessary for a politically effective movement of nationalism. Only Africans and Afrikaners are generally regarded as carriers of nationalism by students of South African society.⁵⁵

The reference to unity, territory and numbers as fundamental to 'a politically effective movement of nationalism' reflects a concept more diversely constituted than the stirrings of a 'national' consciousness.

⁵² 'Emergence of Liberalism', p. 53.

⁵³ Trapido, 'Emergence of Liberalism', pp. 52-53.

⁵⁴ CA, VC 888, Moodie Papers, undated essay, p. 16. Internal evidence shows that this was written in late 1835-early 1836.

⁵⁵ 'African Nationalism in South Africa, 1910-1964', in Wilson and Thompson eds, QHSA, II, pp. 424-25.

It is possible to see the expressions at Kat River as signs of what Benedict Anderson, in his exploration of nationalism, has termed 'an imagined political community'. Anderson refines this definition with the phrase, 'imagined as both inherently limited and sovereign'. Key words are carefully pinned down: 'Imagined' means created in a particular way (not, for example, on the basis of kinship); 'limited' means lacking the notion of universality which distinguished earlier imaginings, such as those within the Christian faith; 'sovereign' refers to the freedom to be found only where one's nation holds sway.⁵⁶ In his periodisation of nationalism, Anderson asserts that

the word "nationalism" did not come into wide general use until the end of the nineteenth century. It did not occur, for example, in many standard nineteenth century lexicons. If Adam Smith conjured with the wealth of "nations", he meant by the term no more than "societies" or "states".⁵⁷

By the time the Philipton meetings took place, 'a "model" of "the" independent national state was available for pirating'. This model, which came from the Americas, entailed 'nation-states, republican institutions, common citizenships, popular sovereignty, national flags and anthems ... and the liquidation of their conceptual opposites'.⁵⁸

It might be correct, retrospectively, to name as nationalism the 'political consciousness' which the Kat River Khoisan expressed if this development met most or all of the criteria which Anderson and others have set out. In my view, it does not. Several of the Philipton speakers harked back to the time when 'the land from the Sout River to the Great Kay river' belonged

⁵⁶ Benedict Anderson, Imagined Communities, Reflections on the Origin and Spread of Nationalism, London: Verso, 1985, pp. 15-16.

⁵⁷ Imagined Communities, p. 14, citing Aira Kemilainen, Nationalism, pp. 10, 33, 48-49.

⁵⁸ Imagined Communities, p. 78.

to the Khoisan but (as Trapido notes) their calls for land were of a different order from Klaas Stuurman's vision of a 'country' given back.⁵⁹ Land was pressed as the remedy for most complaints - those by Khoisan concerning their needs, and those against them as a 'vagrant class'. But the spokespersons of 1834 did not insist on an exclusive political dominion. Their claims were open-ended and could be met by farms in the old colony, extensions to or replications of Kat River, or the right to trade, hunt and stake claims to 'empty' land beyond the boundary with the same freedom as the English and the Dutch.⁶⁰ The 'own Magistrates' of whom Armstrong spoke amounted simply to local government by officers of local choice within the sanctioned structures of the colony. Trapido cites the correspondent in the Commercial Advertiser ('A Hottentot')⁶¹ who asked why Khoisan were not represented on the Legislative Council as were two European 'nations'. These were, however, ethnic groups not separately possessed of 'sovereignty' or a 'territorial base'.⁶²

'Nation' was an assertion of worth. The excerpt from Moodie (above) is more expressive of 'Hottentot'-negating arrogance than many cruder statements by colonists. The 'colored man' who called himself 'a Hottentot' allowed himself, in Moodie's view, to be 'reduced'. Such individuals were found in Albany and at Kat River but not at Graaff-Reinet where 'the avowal "I am not a Hottentot,

⁵⁹ 'Emergence of Liberalism', p. 51. Though Read was there 'to watch against any unsuitable or disloyal feelings', nothing suggests that the people concealed their true wishes or concerns, SACA, 10/9/1834.

⁶⁰ The 'Hottentot republic' said to have been mooted at the time of the 1850-53 frontier war was to include 'Boers and Gaika Kaffirs', Godlonton & Irving, Narrative of the Kaffir War, 1850-1851-1852, pp. 176, 251.

⁶¹ SACA, 25/6/1834.

⁶² Trapido, 'Emergence of Liberalism', p. 51.

but a Bastard["], was always made with pride'.⁶³ This is the passage where Moodie scoffs at Andries Stoffel - a 'Gorah captain' whose 'affinity' to 'Hottentots' he saw as similarly contrived.⁶⁴ Undoubtedly there were attractions in whatever 'sympathy' a 'Hottentot' could get but when the Khoisan spoke of nation they claimed a status equal to that of those 'nations' which held them at arm's length.

Nation building is a strategy, to empower a pressure group. Members of marginalised groups promote unity when asserting rights and pushing a political agenda. It is in this light that Moodie would have seen the statement of James Read Jr (before the House of Commons Select Committee on Aborigines) that there was 'hardly any distinction between' the Bastards and the 'Hottentots' at Kat River.⁶⁵ Perhaps he meant that, to unprejudiced eyes, their accomplishments were evenly matched. His remark conflicts with the insistent testimonies on this point by such as Moodie but, it may be remembered, the commissioners of inquiry reported that

altho' there exist certain physical distinctions by which the two races of Hottentots and Bastards may be generally recognized, yet they have not appeared to us to be sufficiently certain to constitute grounds for legislative distinction in any permanent settlement of their civil rights and condition.⁶⁶

Certainly the attempt to enlarge the 'nation' by incorporating groups which the colonists aimed to keep apart was a political

⁶³ CA, VC 888, undated essay: 'Social Position of the Coloured Classes', pp. 16-17.

⁶⁴ CA, VC 888, undated essay: 'Social Position of the Coloured Classes', p. 19.

⁶⁵ BPP, No. 538 (1836), Q. 5099, p. 590. Moodie penned his essay shortly before Philip, the Reads, Stoffel and Jan Tshatshu left for England, CA, VC 888, Moodie Papers, p. 19.

⁶⁶ Theal, RCC, 33, Report ... 18/8/1827, pp. 112-13. These remarks were in connection with Cape's legal system.

act. As noted (Chapter 11), the Enon convert Samuel Prins' Xhosa captors were said to have told him that they were 'one nation' with the 'Hottentots'.⁶⁷ Allies were welcome where the Bastards kept aloof and were perceived as 'high and mighty' or, still worse, supporters of a vagrancy act.⁶⁸

At one point, Trapido speaks of 'a consciousness we call ethnic'. This appears closer to reality. It was as an ethnic group that the Khoisan, and those who identified with them, forged the political clout to gain a measure of advantage from the liberal impulses present at the Cape.⁶⁹ By then (the mid-nineteenth century), the Khoisan and former slaves were merging to create a 'coloured' identity⁷⁰ which subsumed, without wiping out, the self-awareness of the 'Hottentots'.

Theorising subjugation

My interest in this study has been the Khoisan people - how they lived, how they perceived their world, and how their status in a heterogeneous society was defined. Though much material has been found, including some which seems to come unmediated from

⁶⁷ CA, 1/SSE 8/100, Robert Hart-?, reporting a visit by 'Jeremias Stoffels a Caffer' of Enon, 8/1/1835.

⁶⁸ CA, VC 888, Moodie Papers, undated essay, p. 18.

⁶⁹ This refers to the non-racial franchise put in place when representative government was granted to the Cape.

⁷⁰ Mason suggests that the term 'coloured' came to the Cape 'from the British West Indies, by way of the colonial office', 'Fit for Freedom', pp. 588-89. See Scully also for the evolution of 'coloured', 'Rape, Race, and Colonial Culture', pp. 339-41. Its meaning shifted: As 'race' became 'the primary social distinction' (superseding the 'legal status distinctions' which Elphick and Giliomee describe) society became stratified in terms of colour, see Mohamed Adhikari, 'The Sons of Ham: Slavery and the Making of Coloured Identity', SAHJ, 27, Nov. 1992. Before the 1880s, 'coloured' referred to all blacks (inclusive) or acculturated colonial blacks (exclusive), Private communication, M. Adhikari.

the speakers concerned, the reality is that mediators were central to the enterprise. Even where the Khoisan wrote their testimonies by their own hand (as at Kat River, in 1834) the clergy or officials hovering by are suspect as the eminence grise. The problems of interpretation are thus great, and the project to interpret has just begun - as the two examples which follow demonstrate.

Philip reported a Khoi's view that the Boers were dangerous, like a buffalo, when you got in their way; the English were like the lion 'who joins cunning to his ferocity' so you could not escape.⁷¹ This epigram has tended to arouse (in 'Europeans') a form of vying with regard to its implications for the ethnic groups it names. From the speaker's side, however, it referred to the fact of his or her oppression, and the naming afforded illustrations of the forms which that oppression assumed.

Commissioner Bigge believed that 'Hottentots' preferred to work for low wages for the Boers than for the English who paid more 'but exact more labour'.⁷² Here too the stereotyping of attitudes attributed to 'Hottentots' may tell us more about employers than it does about the Khoi. We know that, not just before but after Ordinance 50 had become the law, the practices alluded to existed side by side: Some employers hankered after patriarchal norms, persisting in them when and if they could; others attempted to impose a work ethic which belonged to what Legassick has called a 'liberal post-Enlightenment British-dominated capitalising society'.⁷³ The 'evidence' enshrined in these examples has been construed to 'other' the Khoisan insofar as it constructs a

⁷¹ Researches, 2, Appendix 13, p. 439.

⁷² Theal, RCC, 35, Report ... 28/1/1830, p. 315.

⁷³ Martin Legassick, 'Slavery Came First', SAROB, 43, May/June 1996, p. 22.

'character' supposed to typify the people as a whole.⁷⁴ But if they were indeed the utterances, and widely held opinions, of Khoisan (the problems attached to mediation intrude) they show them, too, as the purveyors of stereotypes.

Du Toit and Giliomee have said:

... reforms of the old order that culminated in Ordinance 50 did not give political rights to the subordinate groups; it did not produce major redistributions of wealth and power. Though it changed the legal framework, by and large the major structures of the labour order survived intact in practice, and it would still be several decades before social equality would begin to become a controversial issue.⁷⁵

The verdict on Ordinance 50 is accurate, but the addendum that social equality was not yet 'a controversial issue' reflects a colonist's perspective. What had two 'Hottentots' in mind on the occasion of the following exchange (reported by an irate colonist)?

I have formed the fixed resolution since the promulgation of the 50th ordinance, never to address again a Hottentot whom I do not know, fearful lest I might a second time meet with an insulting reply. Shortly after they were made acquainted with the ordinance, I met on a certain evening, about dusk, two Hottentots, and asked them in a friendly manner, whose Hottentots they were? The answer I got was, "that is nothing to you, we are just as much free burghers as you are", with some additions. I found myself obliged to let them pass and thought it was a fine specimen of the education they had received at the schools.⁷⁶

Social equality was present as an issue where the question, 'whose Hottentots they were?' elicited the retort, 'we are just as much free burghers as you'. Familiar stigmatising of the

⁷⁴ See e.g. Marais, CCP, p. 130.

⁷⁵ Afrikaner political thought, p. 84. See also Trapido, 'Emergence of Hottentot Nationalism', p. 35. Emphasis mine.

⁷⁶ J. de Villiers of Paarl, De Zuid-Afrikaan, 13/3/1831. The public had been asked to look out for escaped convicts at the time (my thanks to Andrew Bank for this reference).

`Hottentots' (`No people are more capable of enduring continued and severe labour ... but they are always intolerably lazy'⁷⁷) persisted while an ever more insouciant venom mocked the possibility of Khoisan rising on the social scale.⁷⁸

`[I]t was only during the intellectual ferment of the early nineteenth century and in explicit response to the liberal challenges that the older settlers at the Cape retrospectively theorised the process of Khoikhoi subjugation and dispossession', Bank has pointed out.⁷⁹ Some among them gave thought to a defence of what had taken place, to meet the new moral challenge.⁸⁰ To this end, Stockenström maintained that what was done was past; his own generation's task was to balance the claims of every `class', as found, by strict justice and `adherence to the rule of law'.⁸¹ Examples of his philosophy, applied in concrete situations, have been mentioned above.

⁷⁷ Moodie, Ten Years in South Africa, p. 329. One may wonder about the impact of the conclusion of phrenologist, Dr. Epps, to the effect that "the love of truth is a very interesting feature in the Hottentot; his organ of conscientiousness is large", SACA, 14/9/1834, cited by Iannini, 'Contracted Chattel', p. 104.

⁷⁸ The best known example is Bains' 'Kaatje Kekkelbek', see Lister ed., Journals of Andrew Geddes Bain, pp. 196-202, but also, e.g., 'The Diary of an Idle Hottentot' (by 'Adonis Jager'), The Cape Monthly Magazine, 34 (83), March 1877, pp. 159-66. Visual images created by C.D. Bell and others apply.

⁷⁹ 'Liberals and their Enemies', p. 44. According to du Toit and Giliomee, the exercise was retrospective because 'the issues of colonial settlement and conquest' appeared 'unproblematical' before the criticisms of humanitarians like Philip impelled colonists to justify what had been done before their time, Afrikaner political thought, p. 197.

⁸⁰ du Toit and Giliomee, Afrikaner political thought, see esp. pp. 197-213. The defence evolved as the challenge shifted ground.

⁸¹ du Toit and Giliomee, Afrikaner political thought, pp. 197-99, 208-10, 225-29.

Though not at first outspoken, pro or con, with respect to Philip's Researches and the philanthropic lobby, Moodie came to assume a leading role in theorising subjugation. According to Read, he had enjoyed the confidence of the Khoisan: 'The only one I or the Hottentots can think of [to adjudicate between the Xhosa and the frontier settlers] is Donald Moody [sic] - while magistrate at Graham's Town [in 1829] he was most impartial in all his proceedings'.⁸² Moodie himself claimed to have believed that Khoisan disabilities prior to Ordinance 50 had prevented 'all improvement'; 'at all times' he 'advocated the encouragement of their industry by grants of land' and used his position to alleviate their grievances. His claim to be well-disposed lent verisimilitude to the views he proceeded to pronounce, that 'an unusual degree of indolence and improvidence formed a prominent feature of ... [the Khoisan's] disposition'.⁸³

As his appointment as Protector of Slaves in the eastern districts drew to a close, Moodie cast himself boldly as adviser on 'racial' affairs. The 1834-35 war aroused his hostility towards the counter-influence of 'designing and incompetent individuals'. His antipathy was fuelled by the news that Philip (accompanied by Andries Stoffel, Jan Tzatzoe and the Reads) was bound for England once again to spread his views. By then Moodie was busy complementing the oral evidence he had collected with documentary research - a project facilitated by his access to the records of the magistracies he served. Undoubtedly he reckoned on support for an endeavour to discredit the Philip party but,

⁸² CA, A 50(4), Read-Fairbairn, 12/4/1833. In this letter Read called the Graham's Town people 'the most infatuated blind Bigots in the world'.

⁸³ CA, VC 873, Undated essay: 'Slave Emancipation', also CO 429, Protector of Slaves Moodie on 'the social position of the free community into which [the slaves] are on the point of merging'.

that apart, he was driven by an independent head of steam. In his own words:

For the purpose of engaging the public sympathy upon the side of the coloured classes, and thereby influencing the public measures of the Government to adopt a course which may be favorable to the object of individuals: the most palpable falsification of history, and the most obvious misstatements of current events, has been, and continues to be, consistently adhered to ...⁸⁴

Having identified himself as once an optimist respecting Khoisan 'improvement' - 'In this error, I myself participated for several years after my arrival in this Colony' - Moodie was fierce in rectifying his mistake. He no longer believed 'that the removal of restraints and political disabilities would suffer at once to call forth in the Hottentot races the industry and enterprise which form no part of their character'.⁸⁵ In the course of his rebuttal of the 'Philippian' position, Moodie 'set the pattern for much later research' concerning matters such as 'Bushman'- 'Hottentot' relations, and the role of frontier policy and the commandos in their subjugation and loss of land.⁸⁶

In the 1830s, Moodie (and others, perhaps) interviewed Khoisan for their version of the past. These stories are dense with strife involving indigenes, or indigene and colonist. But although warfare was a given, and fortunes were in constant flux, these tales all reach a point when colonists contrived decisively to overwhelm the 'Bushmen' and the 'Hottentots'. Ending a long account of satisfactory clientship, Platje Swartland remarked, 'but what shall I say Sir; then came a time when everything done by the Boers was black, and a Hottentot could do no wrong - Then

⁸⁴ CA, VC 888, Moodie Papers, undated essay: 'Social Position of the Coloured Classes', p. 9.

⁸⁵ CA, VC 888, Moodie Papers, undated essay, p. 11.

⁸⁶ See Ross, Beyond the Pale, Chap. 10; Bank, 'Liberals and their Enemies', Chap. 5.

the ill treatment began'.⁸⁷ Klaas Klassen said: 'The farmers began to seize on hottentot kraals, take hottentots into their service and which gave the caffres opportunity to live in the country of the hottentots.'⁸⁸ Bretanje Jantjes reported a lull in Xhosa-Khoisan warring:

Whilst in this state of peace the farmers after their third visit to trade came live [sic] in the country, drove many hottentots from their kraals and took possession forced [sic] many of the hottentots into their service. This gave Muhota an opportunity of coming with his people to reside in places the hottentots had left.⁸⁹

The witnesses were old, had experienced at first hand the subjugation of which they spoke, and did not theorise beyond these facts.

The Khoisan, the colonists and Ordinance 50: A legacy

'Let us not see our past only as a protracted crime, or only as a civilizing epic: only as feat or only as defeat. We are what we are because we made the culture that unites us.' Mexican writer, Carlos Fuentes⁹⁰

This thesis has attempted to resurrect an epoch in our past with the object of raising Khoisan visibility in the country's 'master narrative'. If the goal looks now as though it will be achieved, that fact owes most to the surge of interest being expressed by many who claim descent from this important sector of the Cape's

⁸⁷ CA, VC 874, 'Statement of the Hottentot Platje Swartland (to the compiler) at Graaff-Reinet, 1830 March 30th'.

⁸⁸ The Brenthurst Library, Johannesburg: J. Kitchingman. Papers. MS.183/5/51: 'Statement of Klaas Klassen', n.d. This statement and that of Bretagne Jantjes resemble Moodie's work but there is no proof that he conducted these two interviews.

⁸⁹ The Brenthurst Library, Johannesburg: J. Kitchingman. Papers. MS.183/5/50: 'Statement of Bretanje Jantjes on 29th Decr. 1836'. Jantjes appears in (the first volume of) NDSAB.

⁹⁰ 'Reborn from Catastrophe', in the Guardian Weekly, 16-22/10/1992, on the occasion of the Columbian quinentennial.

indigenes. Six hundred met in Cape Town on Human Rights Day (21 March 1997) to promote their request for 'First Nation' status: 'The descendants of South Africa's Khoi feel they are a forgotten people and have called on the government for recognition', the Cape Times said of this event.⁹¹

Ordinance 50 of 1828 is the pivotal point of this study which looked, first, at the condition of the Khoisan prior to its enactment and then at its results for Khoisan men and women as they strove to wring advantage from its terms. The period is of more than usual interest in part because of what the missionary Barker saw as a new activism: With the threat of a vagrancy act they had 'come forward for the first time in defence of their civil rights' (see Chapter 11). This remark, which ignored their history of resistance, referred to their embrace of free speech and of peaceful channels for dissent - petitions, meetings, letters to the press - regarded as the birthright of free-born Englishmen⁹² (of whom Barker was one).

As we have seen, the provision of Ordinance 50 which most afflicted those had who formerly possessed the monopoly of power was Article 2 which abolished 'restraints' which, 'by usage and custom', had inhibited the Khoisan's free movement and 'mode of life'. The colonists never abandoned their campaign for a vagrancy act. When the slave 'apprentices' joined the free labour force, the door was opened for a new ordinance. D'Urban's successor, Napier, cooperated in this, according to Glenelg's instructions. The home government rejected a first draft but a

⁹¹ On 24/3/1997, p. 6. At the same time the politician, Joe Marks, provided a somewhat idiosyncratic account of Khoisan history and urged the state 'to restore ancient lands to his people', Cape Argus, 26/3/1997.

⁹² For this phenomenon see e.g. E.P. Thompson, The Making of the English Working Class, New York: Vintage Books, 1966, Chap. 4 and passim.

revised, 'colour blind' Masters and Servants Ordinance, repealing Ordinance 50, was passed in 1841.⁹³

Though not the vagrancy law desired by colonists, the measure embodied changes which favoured employers over servants. The ordinance was, it has been said, 'aimed at the coloured working class, and was universally so interpreted'.⁹⁴ This seems likely to have been the case regarding its application at the time but the sense that 'coloured' workers were unjustly prejudiced thereby is missing from the critiques of many who looked back on it. Macmillan advanced a sanguine view of Ordinance 1 of 1841, despite the fact that, '[o]n the whole ... [it] tightened up the provisions of 1828 in favour of the masters'.⁹⁵ Marais and he are one in condoning the omission of contentious clauses - most conspicuously, Article 2 - on the grounds that Ordinance 50's 'work was done' by the time the new ordinance was passed.⁹⁶ If it is true that the 'friends of the Hottentots' did not object,⁹⁷ this may have been due to the growing discouragements they faced.⁹⁸ These developments lie outside this study's scope. By

⁹³ This was Ordinance 1 of 1841. See e.g. CA, GH 28/17, Despatch No. 26 of 24/3/1841 and enclosure No. 2: Wylde & Kekewich-Bell, 18/3/1841, pp. 261-64. Lord Glenelg was the British Colonial Secretary at the time.

⁹⁴ Keegan, Colonial South Africa, p. 126. For a brief history of 'masters and servants' legislation see Colin Bundy, 'The Abolition [*sic*] of the Masters and Servants Act', South African Labour Bulletin, 2(1), 1975.

⁹⁵ CCQ, pp. 213, 255-57.

⁹⁶ Marais, CCP, pp. 199-205. Macmillan's remark, which Marais cites ('"done their work"', pp. 201-02), appears in CCQ, p. 256, n. 2.

⁹⁷ Regarding Khoisan opinion, nothing is said.

⁹⁸ Macmillan, CCQ, p. 256. For the predicament and state of mind of the Khoisan's 'friends' by this point, see Bank, 'Liberals and their Enemies', esp. Chap. 8.

1841, the 50th ordinance had been in force for not quite thirteen years.

In the same year (1841), Kat River Khoisan petitioned to be jurors. The attorney-general, William Porter, advised that though 'no distinction whatever of race or nation, creed or color' was allowed, they like all others were disqualified if further than 'six hours on horseback from the Circuit town'. Of the property clause - a further condition for this duty - Porter believed: 'Where the road to advancement is alike open to all classes, a general regulation of the nature now referred to can be considered a grievance by none.'⁹⁹ Representivity for 'racial' groups was not perceived as a requisite for equal justice where the jury system was concerned.¹⁰⁰ Furthermore, no possibilities for meeting the Kat River petitioners' concerns were explored.¹⁰¹ Porter's reasoning resonates with some of the arguments heard today concerning the 'level playing field'. Is justice adequately served by clearing legal 'distinctions' from 'the road to advancement', as Porter believed, or does it beg some measure of additional provision on the grounds of former deprivation and immediate need?

It is startling to find how frequently the 'problems', and the arguments concerning their solution, which engrossed Khoisan and

⁹⁹ CA, AG 2157, Porter-Kat River petitioners, 8/5/1841, pp. 103-04.

¹⁰⁰ Judge Menzies disparaged some jurors of Beaufort District as being 'of a very inferior description, consisting of the race called Bastards, none of whom understand English and many of whom neither speak nor understand Dutch, using, as their only language, a jargon peculiar to themselves', CA, CO 372, 'Observations on Some Parts of the Judicial System ...', pp. 310-11.

¹⁰¹ For comment on Porter's liberalism, see Keegan, Colonial South Africa, p. 357, n. 14.

colonist in the nineteenth century are replicated in our own day and age. The fate of claims to land, to inclusion in the structures of power, and to what colloquially is termed a larger 'slice of the pie' depends, once again, on how equity is defined, how resources are used, and how all parties to a necessary transformation view the costs and benefits entailed.

No. 49. or Children of a Bosjesman, under the afore-recited or any 1828. other circumstances, shall forthwith report the same to a Field-Cornet of the District wherein such Inhabitant resides, in order that such Child or Children may be indentured to him or her, upon the same terms and conditions, and for the same period of time, as is hereinbefore provided in the case of Orphans or deserted Children: and any Person who shall neglect to give such notice within one month after receiving such Child or Children, shall, on conviction thereof, be subject to a Penalty of Twenty Shillings for each Calendar month, that each and every such Child shall have been in his or her possession.

15. And be it further enacted, That it shall and may be lawful for any Caffre, Gonaqua, Tambookie, Giqua, Bosjesman, Bechuana, Mantatee, Namaqua, or other Foreigner as aforesaid, duly provided with a Pass, under the Provisions of this Ordinance, to repair to and reside at any of the Missionary Stations within the Colony, by permission of the Resident Missionary thereof.

16. And be it further enacted, That if any Person shall wilfully and fraudulently detain as a Slave any such Foreigner as aforesaid, of whatever sex or age, or dispose of the same as a Slave, by Sale or otherwise, or cause any such Foreigner to be registered as a Slave, such Person shall, upon conviction thereof, be sentenced to transportation for seven years.

17. And be it further enacted, That all offences against this Ordinance, subject to no higher punishment than fine or imprisonment, with or without hard labour, shall be cognizable by the Court of the Resident Magistrate of the District or Place in which such offences shall be committed; and that all Fines levied by reason thereof shall be given, one half to the Informer, and one half to the Colonial Treasury.

God save the King.

Given at the Cape of Good Hope, 14th July 1828.

By Command of His Honor the Lieutenant-Governor,
(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,
(Signed) Thomas Miller, Acting Clerk of the Council.

No. 50.—Signed, Rich. Bourke.

Ordinance for improving the Condition of Hottentots and other free Persons of colour at the Cape of Good Hope, and for consolidating and amending the Laws affecting those Persons. (1)

WHEREAS certain Laws relating to and affecting the Hottentots and other free Persons of colour, lawfully residing in this Colony, require to be consolidated, amended, or repealed, and certain obnoxious usages and customs, which are injurious to those Persons, require to be declared illegal and discontinued: Be it therefore enacted, by His Honor the Lieutenant-Governor in Council, That from and after the passing of this Ordinance, the Proclamations of the 16th day of July, 1787, 9th day of May, 1803,—1st day of November 1809,—23d day of April, 1812,—9th day of July, 1819,—and 23d day of May, 1823, shall be, and the same are hereby, repealed: Provided always, that nothing herein contained shall extend to affect or annul any Contracts or Indentures entered into prior to the passing of this Ordinance, by virtue of the Proclamations aforesaid, nor to release the Master or Employer of any contracted Servant or Apprentice from any of the Provisions of those Proclamations relating to the Treatment, Payment, Food, Clothing, and Instruction of the said Servants and Apprentices, nor from any Fines and Penalties which may be imposed on any such Master or Employer for the breach thereof.

2. And whereas by usage and custom of this Colony, Hottentots and other free Persons of colour have been subjected to certain restraints as to their residence, mode of life, and employment, and to certain compulsory services to which others of His Majesty's Subjects are not liable: Be it therefore enacted, that from and after the passing of this Ordinance, no Hottentot or other free Person of colour, lawfully residing in this Colony, shall be subject to any compulsory service to which other of His Majesty's Subjects therein are not liable, nor to any hindrance, molestation, fine, imprisonment, or punishment of any kind whatsoever, under the pretence that such Person has been guilty of vagrancy or any other offence, unless after trial in due course of Law;—any custom or usage to the contrary in any wise notwithstanding.

3. And whereas doubts have arisen as to the competency of Hottentots and other free Persons of colour to purchase or

(1) Allowed by order of the King in Council, 15th January 1829, infra.

Appendix A

No. 50. possess Land in this Colony: Be it therefore enacted and declared, That all Grants, Purchases, and Transfers of Land or other Property whatsoever, heretofore made to, or by any Hottentot or other free Person of colour, are, and shall be, and the same are hereby declared to be, of full force and effect, and that it is, and shall, and may be, lawful for any Hottentot or other free Person of colour, born, or having obtained Deeds of Burghership, in this Colony, to obtain and possess by Grant, Purchase, or other lawful means, any Land or Property therein,—any Law, custom, or usage to the contrary notwithstanding.

4. And whereas it is expedient to protect ignorant and unwary Hottentots and other free Persons of colour as aforesaid from the effects of improvident Contracts for Service: Be it therefore enacted, that it shall not be lawful for any Person within this Colony, to hire or engage by any parole or written Agreement, (except as hereinafter provided,) any Hottentot or other free Person of colour as aforesaid, for any period exceeding one Calendar month, such Engagement being renewable from month to month, or for any shorter period, at the option of the contracting Parties; and any parole or written Engagement for any longer period, (except as hereinafter provided,) shall be, and be continued to be, of the same force and effect, as if the same had been entered into for one month only.

5. And be it further enacted, That in case any Person within this Colony, and any Hottentot or other free Person of colour, as aforesaid, shall be mutually desirous of entering into a written Contract for a longer period than one month, that then and in such case the parties shall appear together before the Superintendent of Police, or any Clerk of the Peace, or any Justice of the Peace, not being a Resident Magistrate, or before any Person specially appointed by the Clerk of the Peace of his District, with the approbation of the Governor for the time being, to countersign Contracts of Service, and shall, in the presence of the Superintendent of Police, Clerk of the Peace, or Justice of the Peace, or in presence of such other Person specially appointed as aforesaid, enter into any Contract for Service, on such terms as the respective Parties shall be willing to subscribe to: Provided always that the period of such Contract shall not exceed twelve Calendar months; and that in all such Contracts, wherein it shall not be expressly provided that the Person with whom any Hottentot or free Person of colour enters into Contract, is not to supply Food and Lodging, such Person shall be understood to have engaged to provide the Hottentot or other free Person of colour as aforesaid, and such of his or her Family as shall be included in the Contract in manner hereinafter mentioned, with Lodging and sufficient Food of good and wholesome quality, during the continuance of such Contract. And

be it further enacted, that no Liquor or Tobacco shall be admitted as payment of Money due for Wages, or in any manner be charged in account against any such Hottentot or free Person of colour; and that the Goods or Cattle belonging to any such Person, shall not, under any pretence whatsoever, be detained at the expiration of any such Contract, unless by Sentence of a competent Court, or due legal Process: and provided further, that nothing herein contained shall prevent the renewal of any such Contract at the expiration thereof, in the manner and subject to the conditions and provisos hereinbefore enacted.

6. And be it further enacted, That every such Contract shall be made and executed in three parts, countersigned by the Superintendent of Police, Clerk of the Peace, Justice of the Peace, or other Person specially appointed as aforesaid, as the case may be, one of which parts shall be given to each of the contracting Parties: and in all cases where such Contract shall be executed before the Superintendent of Police, or Clerk of the Peace as aforesaid, the third part thereof shall be filed and registered in his Office; and in all cases where the same shall be executed before any Justice of the Peace, or other Person specially appointed as aforesaid, an entry thereof shall be made in a Book to be kept by him for that purpose, and the third part of such Contract forwarded by him to the Clerk of the Peace of the District, to be filed and registered in his Office as aforesaid.

7. And be it further enacted, That in the case of any Complaint for non-payment of Wages due, and payable by virtue of any parole Contract for one month, or for any shorter period, being brought before any Resident Magistrate, Justice or Justices of the Peace, or other competent Court, by any Hottentot or other free Person of colour as aforesaid, and that the Rate of Wages at which such parole Contract was made shall not be proved to the satisfaction of the Court, it shall and may be lawful for the Judge or Magistrate before whom the cause is heard, and he is hereby required, to fix the Rate of Wages at that usually paid in the District or Place in which the said Contract was made, and to give a Decree accordingly; and if any plea of payment of the whole or part of the Wages claimed by any Hottentot or other free Person of colour as aforesaid, shall be set up by the Person with whom such Hottentot or other free Person of colour served, whether such payment shall be alleged to have been in Money, or in Cattle, Food, or Clothing, such payment shall not be allowed in account, unless proved to have been made by the Oath of a competent Witness, not being the Defendant in such cause; and when such payment has been made in kind, the Prices charged for the several Articles shall in like manner be proved to be fair and reasonable.

8. And be it further enacted, That all Contracts of Hiring,

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No. 50. affecting to bind the Wife or reputed Wife of any contracting 1828. Hottentot or free Person of Colour as aforesaid, shall be executed by her; and that it shall and may be lawful for the Parent or Parents, of any Child or Children under the age of eighteen years, to contract as aforesaid, for the service of such Child or Children, together with their own; and the names and ages of such Child or Children shall be clearly set forth and specified in the Contract: Provided always, that nothing therein contained shall give to the Employer of such Parents any claim on the services of the said Children beyond the period for which the Parents themselves shall be engaged, nor to the services of any other Child or Children of the contracting Parent or Parents whether under colour of such last mentioned Child or Children having been fed or clothed by their Employer, or having been born whilst the Parent or Parents of such Child or Children were in the said Employer's service, or under any other pretence whatsoever; and any Person who shall be duly convicted of detaining any Child in his or her service, contrary to the Provisions of this Ordinance, or in any manner of withholding or causing to be withheld, any Child from his or her Parents or reputed Parents, shall forfeit and pay at the rate of Twenty Shillings for each Calendar month, that each and every such Child shall have been thus unlawfully detained. And be it further enacted, that every such Child shall, upon conviction of the detaining Party, be forthwith removed from his or her custody, and restored to his or her Parent or Parents, when the same can be found, or otherwise apprenticed by the Superintendent of Police or Clerk of the Peace of the District, to some respectable Inhabitant, until the age of eighteen, if a Male, and sixteen years, if a Female, or until claimed by his or her Parents.

9. And be it further enacted, That on the Death of any Hottentot or other free Person of colour, being with his Wife or reputed Wife and Children, under Contract as aforesaid, the Contract shall become null and void, in respect to such Wife and Children, at the expiration of one month after the Death of such Hottentot or other free Person of colour.

10. And be it further enacted, That it shall and may be lawful for any Hottentot or any other free Person of colour, entering into any parole or written Contract of Service as aforesaid, to keep his or her Children on the Premises of his or her Employer, without contracting them: Provided that in every written Contract the number and names of such Children shall be set forth; and it shall not be lawful for the Employer to claim the labour or services of such uncontracted Children, by reason of their residence thereon.

11. And be it further enacted, That it shall and may be competent to any Hottentot or other free Person of colour as

aforesaid, being of the full age of eighteen years, to enter into any Contract for Service in manner hereinbefore directed. No. 50. 1828.

12. And be it further enacted, That it shall and may be lawful for any Hottentot or other free Person of colour as aforesaid, to apprentice out any of his or her Children for the term of seven years, or for any shorter period, or until such Child shall have reached the age of eighteen, if a Male, and of sixteen years, if a Female, whichever shall soonest happen: Provided always, that all Indentures of such Apprenticeship, shall be executed in the manner hereinbefore directed for yearly Contracts of Service, and shall duly provide for the maintenance, clothing, and instruction of every such Apprentice.

13. And be it further enacted, That if any Hottentot or other free Person of colour, contracted by any parole or written Engagement as aforesaid, shall abandon or desert, or by death shall leave in a state of orphancy and destitution upon the Premises of his or her Employer, any Child or Children being, if Males, below the age of eighteen, and if Females, below the age of sixteen years, that then and in such case, the Person or Persons with whom such Child or Children shall be left, shall with all convenient speed deliver the same to the Superintendent of Police, Clerk of the Peace, or nearest Field-Cornet in the District, in order that measures may be taken for providing for the maintenance and education of such Child or Children, by apprenticeship in manner hereinafter mentioned. And if any Person shall be duly convicted of detaining in his or her possession or employment, any such destitute Child as aforesaid, for a longer period than one Calendar month, every such Person shall forfeit and pay at the rate of Twenty Shillings for each Calendar month, that each and every such Child shall have been in his or her possession or employment.

14. And be it further enacted, That whenever any orphan or destitute Child as aforesaid, shall be given up to the care of the Superintendent of Police, in manner hereinbefore mentioned, such Child shall be placed by the Superintendent of Police in the Town Somerset Hospital, or other convenient place, and shall, when a suitable opportunity is found, be apprenticed out to some fit and proper Person, if a Male, until his eighteenth, and if a Female, until her sixteenth year; and any orphan or destitute Child as aforesaid, who shall be given up to any Field-Cornet, in manner hereinbefore mentioned, shall be removed with all convenient speed to the District Town, and delivered over to the Clerk of the Peace, who shall place such Child in some fit place of safety, and subsequently apprentice such Child in manner hereinbefore mentioned: Provided always, that the said Superintendent of Police and Clerk of the Peace shall give the preference to the nearest Relatives of such Children, in all cases where any such Relatives shall be found inclined and competent to take the said Children as Apprentices.

No. 50. 15. And whereas divers Hottentots, Prize Negroes, and 1828. Negresses, and other Free Persons of colour, have at different times been contracted for service and apprenticed in this Colony, under the authority of certain Orders and Proclamations in that behalf; and whereas it is expedient, that the Children of such Persons should not be bound thereby: Be it therefore enacted, that from and after the passing of this Ordinance, it shall not be lawful for the Master or Employer of any such Hottentot, Prize Negro or Negress, or other free Person of colour, to detain in his or her service the uncontracted or unlodentured Child or Children of any such Person, unless the Child or Children belong, if Males, below the age of eighteen, if Females, below the age of sixteen years, the Parent or Parents shall consent thereto; and it shall not be lawful for any Master or Employer as aforesaid, to remove any such Child or Children from the Parent or Parents, unless by consent as aforesaid.

16. And whereas the Children of Hottentots and other free Persons of colour have been apprenticed until the age of eighteen years, or for other term, under the authority of the Proclamations of the 23d day of April 1812,—the 9th day of July 1819, and other Proclamations made in that behalf, and the Children of Prize Negresses have been apprenticed by virtue of the Proclamation of the 23d day of May 1823; and whereas many of the said Apprentices have Parents or near Relatives capable of bringing them up honestly and decently, and affording them instruction: Be it therefore enacted, that whenever any Apprentice as aforesaid, shall be removed from his or her Master, by Sentence of any competent Court or Magistrate, on account of ill treatment or other sufficient cause, or by any other lawful means, such Apprentice shall not be transferred to a new Master, but shall be restored to his or her Parents or Relatives, if any such there be, who shall be found willing to take charge of his or her maintenance and education; and if the Parents or Relatives of any such Apprentice shall not be found, or shall not be able or willing to undertake such charge, then the Apprentice shall be transferred to a new Master, for the unexpired term of the Indenture, or, if a Male, until the age of eighteen, and if a Female, until the age of sixteen years, whichever shall soonest happen.

17. And whereas it is expedient to apply the Remedies and Provisions hereinafter contained, as well to the case of Hottentots and free Persons of colour, lawfully residing in this Colony as aforesaid, as to the case of Foreigners admitted therein, under and by virtue of an Ordinance, No. 49, bearing date the 14th day of July 1828, "For the Admission into this Colony, "under certain Restrictions, of Persons belonging to the Tribes "beyond the Frontier thereof, and for regulating the Manner

"of their employment, as free Labourers, in the Service of the No. 50. "Colonists," be it further enacted, that every Person, retaining 1828. in his or her employment any Hottentot or other free Person of colour, shall give notice to the nearest Field-Cornet, or, if in Cape Town or the District thereof, to the Superintendent of Police, of the Death of any of the said Persons, or of the Death of any of the Children or Relatives of the said Persons residing on his or her Premises, setting forth their several names and ages; and shall in like manner give notice of any Births that shall take place in the Families of the said Persons, setting forth whether the Child be male or female, the Mother's name, and the name by which such Child is intended to be called; and any Employer who shall neglect to give notice of any Birth or Death occurring in his or her service, or on his or her Premises as aforesaid, shall forfeit and pay the Sum of Ten Shillings Sterling, for every Birth or Death neglected to be so reported.

18. And be it further enacted, That every Field-Cornet of every Division shall make a Half-yearly Return, to the Civil Commissioner of the District, of the Births and Deaths of all Hottentots and other free Persons of colour within his Division.

19. And be it further enacted, That from and after the passing of this Ordinance, all Disputes or Complaints between Masters and Mistresses and their Servants, being Hottentots or free Persons of colour, hired or contracted under the Provisions of this Ordinance, or under the Provisions of the said recited Ordinance, No. 49, dated the 14th day of July 1828, shall and may be heard and determined by the Resident Magistrate of the District or Place where such Master or Mistress shall inhabit; and shall and may be heard and determined by one or more Justice or Justices of the Peace of such District or Place: Provided always, that no Justice of the Peace shall have jurisdiction in any case of complaint for non-payment of Wages, when the matter in dispute shall exceed the Sum of Twenty Shillings Sterling.

20. And be it further enacted, That where such Dispute or Complaint shall be brought before any such Justice or Justices of the Peace, by any such Servant, the said Justice or Justices shall and may summon the Master or Mistress complained of, to appear personally before him or them, at a reasonable time set forth in such Summons; and such Justice or Justices shall and may inquire into and hear and determine the matter of such Dispute or Complaint, whether the said Master or Mistress shall appear before the said Justice or Justices or not, proof having been made on Oath of his or her having been duly summoned; and the said Justice or Justices shall and may examine, on Oath, any such Master or Mistress, or Servant, or any other Witness or Witnesses, touching, any Dispute or

No. 50. Complaint brought before him or them as aforesaid, and shall 1828. make such order therein as the case shall require.

21. And be it further enacted, That, if upon the Complaint of any Master or Mistress, touching any misdemeanor or ill behaviour of any such Servant, in his or her service or employment, the said Resident Magistrate or Justice or Justices of the Peace shall adjudge the same to be true, then it shall and may be lawful for the said Resident Magistrate or Justice or Justices of the Peace, to punish the said Offender by commitment to any Gaol or House of Correction in his District, to be held to hard labour, for any time not exceeding one Calendar month, or otherwise by abating some part of the Wages of such Offender, not exceeding one month's Wages for any one offence, or by discharging him or her from the said service, with the consent of the said Master or Mistress, as the said Resident Magistrate, Justice or Justices shall see fit.

22. And be it further enacted, That, if upon the Complaint of any such Servant against his or her Master or Mistress, touching any ill usage, refusal of necessary Provisions, (where the same are agreed to be supplied,) or other ill treatment, the said Resident Magistrate, or Justice or Justices of the Peace shall adjudge the same to be true, then it shall and may be lawful for the said Resident Magistrate, or Justice or Justices of the Peace, to discharge such Servant from his or her service or employment, (which discharge shall be given under the Hand of such Resident Magistrate, Justice or Justices, without charge,) and further shall and may order all Wages then due to such Servant, to be paid by the said Master or Mistress; Provided always, that nothing herein contained shall extend to deprive such Servant of any remedy, by Action in any competent Court, for the recovery of damages for any injury such Servant may have sustained by the ill treatment of his or her Master or Mistress.

23. And be it further enacted, That, when the Order of the said Justice or Justices shall be for the payment, by any Master or Mistress, of any Sum of Money to such Servant, and that the same shall not be paid within the space of twenty-one days next after the date of such Order, it shall and may be lawful for the said Justice or Justices, to issue forth his or their Warrant, to levy the same by Distress and Sale of his or her Goods and Effects; and the said Warrant shall and may be directed to any Constable or Officer of Police within the District of the said Justice or Justices; and the said Constable or Officer of Police is hereby empowered and required, upon sight thereof, to execute the same; and it shall and may be lawful for the said Constable or Officer, to sell by way of Auction, without taking out any Licence for that purpose, all such Goods as shall be

taken by virtue of any such Warrant, and to be sold in execution thereof; any Law or Ordinance to the contrary hereof notwithstanding; and the said Constable or Officer shall render the overplus, if any, after payment of the said Sum of Money and the Cost and Charges of such Distress and Sale, to the said Master or Mistress. No. 50. 1828.

24. And be it further enacted, That where it shall be made to appear to the satisfaction of such Resident Magistrate, or Justice or Justices of the Peace, that any such Servant, lodging or making any Complaint as aforesaid, is poor and unable to pay the Costs of any Summons or Process, or the execution thereof, then the said Resident Magistrate, or Justice or Justices shall cause the said Summons or Process to be issued and executed free of all Charge and Expense whatsoever; and if upon the investigation of the said Complaint, the said Resident Magistrate, or Justice or Justices, shall find and adjudge the same to be vexatious and untrue, then it shall and may be lawful for the said Resident Magistrate or Justice or Justices, if he or they think fit, by Warrant under his or their Hand, to commit the said Complainant to Gaol, with hard labour, for any time not exceeding fourteen days.

25. And be it further enacted, That all Fines, levied for any breach of the Provisions of this Ordinance, shall be given, one half to the Informer, and one half to the Colonial Treasury.

God save the King!

Given at the Cape of Good Hope, 17th July 1828.

By Command of His Honor the Lieutenant-Governor,

(Signed) John Bell, Acting Sec. to Govt.

By Order of the Council,

(Signed) Thomas Miller, Acting Clerk of the Council.

At the Court at Windsor, 15th January 1829, present the King's most Excellent Majesty in Council.

WHEREAS there was this Day laid before His Majesty, in His Privy Council, a certain Ordinance of the Lieutenant-Governor of the Colony of the Cape of Good Hope, made with the advice of the Council of Government of that Colony, which Ordinance is in the following words, that is to say, &c. &c. :—

His Majesty is graciously pleased, by and with the advice and consent of His Privy Council, to order, and it is hereby ordered, that the said Ordinance shall be, and the same is hereby, ratified, confirmed, and allowed, and finally enacted; and for the pre-

APPENDIX B(1) - 1829

Key:

@ - M, W & C - Men, Women, Children
 * - O/G - Own/Government Issue
 # - Discharged soldier

RETURN OF HOTTENTOTS PROVISIONALLY SETTLED IN THE CEDED TERRITORY

Names:	No:	Mus-	Wag-	Plo-	Hor-	Cat-	Ox-	Sheep	Remarks
Family	M, W	ket:	gons	ughs	ses	tle	en	& Goats	
Heads	C @	O/G*							

1st Location - Kobus Boezak Head of Party

Kobus Boezak	1M2C	1/O		1	2	2			The majority
Stoffel "Sen. #	1M1W3C	1/O				1	1		of this Party
Stuurman #	1M1W4C	1/G				4			was together
Andries Platjes #	1M1W8C	1/G				4			with 3, 4, 5, 6
Boezak	1M	1/G		1	1				located in
Veldman Boosman	1M1W4C	1/O		1	2				June on the
Stoffel Boezak									Zebenze ...
Jr #	1M1W3C	1/G		1					canal...cul-
Hendrik Boosman	1M	1/O				2			vation ...
Boezak Boosman	1M								suffered...
Platje Boezak #	1M5C	1/O	1				2		locusts ...
Danzer "	1M					4			now indepen-
Hans "	1M1W1C					4			dent party
Cupido Bantam	1M1W1C	1/O	0		1	2		18	
TOTAL	13M7W31C	6+4	1	1	6	26	3	18	

2nd Location - Hendrik Gysman Head of Party

Hendrik Gysman	1M1W3C	1/O	1		6	33	10	225	Formed since
Kobus "	1M	1/O							June with 7,
Kobus	1M1W				1	5		10	12, 13...two
Andries Simon	1M	1/G				3		12	canals out of
Amsterdam Bantam	1M1W3C	1/O	1		3		4		Kat R & lout
Africaner "	1M1W3C	1/O			1	1			of Toatoa..
Kieviet Bantam	1M1W	1/O							cultivation
Booy Hans	1M1W3C	1/G	1		4		3		...crowded
Platje Posthouder	1M1W4C	1/G			2				now between
Jager Booy	1M1W1C	1/G	1		1		2		Kogga &
Booy Jager	1M1W	1/G							Gagne
Fiegelant	1M1W								
Hermanus Kieviet	1M1W3C	1/O, 1/G					2	3	
TOTAL	13M11W20C	6+6	4		18	42	21	250	

3rd Location - Gerrit Samson Head of Party

Gerrit Samson	1M1W2C	1/G	1		1	10		30	on main Kat
Prins Dragonder	1M1C	1/O			1	12	10	42	R...cutting
Platje Fredrik	1M1W2C	1/O			2	4	3	24	extensive
Stoffel Hans	1M1W6C	1/O				8		20	canal. Vide

Vrolyk Hans	1M1W1C	1/O	1	7	5	7	6	No.1
Jan Stuurman	1M1W2C	1/G		1	4		20	
Samson	1M1W2C	1/O		3		8	24	
Jacob Samson	1M1W	1/O		5	10		28	
Jan Phigelant	1M1W3C	1/O		1	2		4	
HendrikHendrik	1M1W2C	1/G						
TOTAL	10M9W21C	7+3	2	21	55	28	198	

4th Location - Willem Haman Head of Party

Willem Haman	1M1W2C	1/O	1		7	5	Vide No.1
Willem Jochem	1M5C	1/G	1	3	14	11	No room
Klaas Witbooy	1M1W	1/G					Zebenze so
PhilipStuurman	1M1W	1/G		2	5	4	to select
David Janzen	1M1W4C	1/O		3	11		another
Jan Waayboom	1M1W4C	1/O			10	10	spot
AndriesSchipper	1M1W	1/G		2	7		
AfricanerSwartbooy	1M1W2C	1/O		1	16	2	
PlatjeLaberlot	1M1W1C	1/G		1	2	2	12
Witbooy " #	1M	1/G					
Jacob duPre	1M1W1C	1/G	1	2		4	
Dirk Pieters	1M1W3C	1/O	1		2	10	
TOTAL	12M10W22C	5+7	4	14	74	48	12

5th Location - Johannes Fortuin Head of Party

JohannesFortuin#	1M1W4C	1/O		2	15	10	Vide No.1
Adam Goede	1M1W4C	1/O	1	1	20	14	Lower down
Hendrik Jacob	1M4C	1/O	1		64	16	Zebenze R.
OersonOerson	1M1W1C	1/O		2		1	...cutting
Jan Jacob	1M1W1C	1/O	1		26	10	extensive
StoffelTrompetter	1M1W2C	1/G			9		canal
CoenraadWankra	1M				9		
Hendrik "	1M				4		
Andries Platjes	1M1W4C	1/O					
FredrikBooy Sen	1M1W5C	1/O		1	4	20	
Fredrik " Jun.	1M	1/G				4	
Andries Jacob	1M	1/G					
TOTAL	12M7W25C	7+3	2	2	5	151	51 24

6th Location - Andries Botha Head of Party

AndriesBothaSen	1M1W4C	1/O	1	1	1	53	15	Vide No.1
Andries " Jun.	1M	1/G						contiguous
Esau Prins	1M1W1C	1/O	1	1		28	10	No. 1 since
JanDanzer Sen.	1M	1/O				5		June
Jan " Jun.	1M1W5C	1/O				8		
Kobus Genoot	1M3C	1/G						
Wessel Mienie	1M1W3C	1/O		3	2		4	
JacobWindvogel	1M1W3C	1/O		2	13	5		
MarthinusHendrikDS	1M1W2C	1/G		1	11			
Klaas Gieters	1M3C	1/G		1	9	8	40	
PieterSwart #	1M1W1C	1/G						
WindvogelNoeskail	1M1W4C	1/O		1	5			
Klaas Giet	1M1W3C	1/G			28	13		

Willem Hans	1M	1/G								
Klaas Vrolyk	1M1W2C	1/O				1		1	6	
Vrolyk "	1M1W	1/O						1		
KleinveldJoris#	1M1W	1/O,1/G								
PietSwartbooy	1M									
Jantje Spogter	1M	1/G								
Piet Piet	1M						6			
Witbooy Prins	1M1W2C	1/G			2		1			
TOTAL	21M13W36	10+10	2	2	11	170		53	50	

7th Location - Christian Jacobus Groepe Head of Party

Chris.Jac.Groep	1M1W4C	1/O	1	1	18	40		16	600	Located in
AlbrechtGroep	1M	1/O								June with2,
Christian "	1M	1/G								12,13...at
JacobdeClercqSen	1M1W2C1	1/O	3	1	18	80		24	500	Toatoa ...
Jacob "	Jun.1M	1/O								...drought
Willem "	1M1W2C	1/O								nowirrigate
Jan Joh."	1M	1/O								from KatR.
Jan Joubert	1M1W3C	2/O	1		7	22		8	90	
Hans Groep	1M1W2C	1/O		1	6	12			100	
Johannes Blok	1M1W2C	1/O	1	1	12	26		10	20	
MarthinusArendse	1M1W3C	1/O			1					
Ariaan "	1M	1/O			4	5				
Matthys Klein	1M1W3C				4	12			100	
HendrikAndries	1M1W	1/G			1	3			4	
TOTAL	14M9W21C	12+2	6	4	71	200		58	1414	

8th Location - Piet Vry Head of Party

Piet Vry Sen.	1M1W1C	1/O	2		8	10		12	300	From June
Toontje Ary	1M1W4C	1/O			4	5		5	300	with9,10...
Piet Vry Jun.	1M1W3C	1/G			3	20		10	600	on Macazza-
Hendrik Toorn	1M	1/G			2	3			20	na..lostall
Hansv.d.Westhuizen	1M1C	1/O				2		2	20	...drought
HansArendse	1M1W5C	1/O	1		4	20		10	100	now cutting
Jan Teunes	1M3C	1/O			3	15			60	canal from
Dikkop	1M1W1C	1/G								Kat River
Klaas Africa	1M1W	1/G			1					
Steves	1M1W1C	1/G								
HendrikJoseph#	1M1W4C	1/G								
HansBezuidenhout	1M1W3C	1/O			3	2		1	12	
Jan Rooy	1M	1/O				20			30	
StouterKleinbooy	1M1C	1/G			1	8			14	
Storm	1M1W	1/O								
Fix Jager	1M1W3C	1/G								
TOTAL	16M11W30C	8+8	3		29	105		40	1456	

9th Location - Booy Windvogel Head of Party

BooyWindvogel#	1M1W1C	1/O	1		6	10		6	100	Vide8,10...
Marthinus "	1M1W2C	1/O			2	6			30	cutting
Hermanus "	1M1W	1/G	1		1	2		8		canal lower
Baatjes Booy	1M	1/O			2	10		5	20	on Kat R.
JacobStephanus	1M1W	1/O			3	2		3	100	

Andries Michel	1M1W1C	1/O		1	8	4	20
Armoed Armoed	1M	1/G			3		20
Andries Willem	1M1W	1/O		3	3		6
PlatjeWindvogel	1M1W1C				4		
Daniel Magerman	1M1W						3
Jacob Chako	1M1W	1/O		1	2		104
Dampie Flamink	1M1W5C	2/O		2	68	1	70
TOTAL	12M10W10C	9+2	1	1	22	118	27 473

10th Location - Arnoldus Jan Head of Party0

Arnoldus Jan	1M1W3C	1/O	1	2	8	7	50	Vide 8, 9
AndriesDavidSen	1M1W2C	1/O	1		6	4	200	
Dirk David	1M1W4C	1/O		1		4	30	
StoffelRuiter#	1M1W1C	1/G		1	6		5	
Frans Jan	1M1W4C	1/O		8	20	6	200	
Hans Jan	1M	1/G					20	
Dikkop Oranje	1M1W3C	1/O		3	12	6	50	
Jan Booy	1M1W4C	1/G		3	5			
Andries Witbooy	1M	1/G					6	
AndriesDavidJun	1M1W	1/G		2	6		20	
David David	1M				2		8	
Jan "	1M1W2C	1/O		5	10	8	100	
Jan Smous Sen.	1M1W4C	1/O	1		3	8	20	
Jan " Jun.	1M1W4C	1/G		1	6		100	
Alie Arendse	1M1W5C	1/G	1	3	10		30	
Ruiter Booy	1M1W						25	
Klaas Oerson	1M1W2C	1/O						
Rob "	1M1W3C	1/G		1				
Bergman	1M1W	1/G		1			50	
TOTAL	19M16W41C	8+9	4	31	94	43	914	

11th Location - Hans Tromp Head of Party

HansTromp #	1M1W1C	1/G	1		7	8		With15,17,
HendrikBierman#	1M1W7C	1/O	1	1	3			18sinceOct
Hans " #	1M	1/G	1					on Gagne
MagermanNieuwveld	1M1W1C	1/O		6	20	8	42	Now inde-
Jan Abel	1M1W1C	1/O			16	6	18	pendent
PlatjeNieuwveld	1M1W4C	1/G	1	4	12		70	
Phigelant	1M1W4C	1/G					20	
FortuinPlatjes#	1M1W1C	1/O		2	5	3	15	
Jan Abel	1M	1/G						
Platje Platjes	1M1W3C	1/G		1	9	3	20	
AndriesWitbooy	1M1W3C	1/G		1	3	1		
TOTAL	11M9W25C	4+7	4	15	75	29	185	

12th Location - Joseph Arendse Head of Party

Joseph Arendse	1M1W4C	1/O	2	1	7	50	20	300	With 2,7,
MarthinusAppel	1M1W2C	1/O			4	17	8	160	13 onGagne
Alie Arendse	1M	1/O			4	10		50	since June
KievietDavidse	1M1W7C	1/O	1	1	7	30	14	300	...canal
Karel Groep	1M1W7C	1/G	1		8	7	9	90	fromKat R.
Klaas Bason	1M1C	1/O			4	9	9	45	after Toa-

Floris Arendse	1M1W2C	1/O			3		55	toa failed
Esau	1M1W4C	1/O			2	3	6	40
Maurits David	1M	1/O				3		40
Kieviet #	1M1W	1/G						
TOTAL	10M7W27C	8+2	4	2	39	129	66	1080

13th Location - Klaas Eckert Head of Party									
Klaas Eckert	1M1W6C	1/O	2	1	12	80	20	1200	With No.7;
Adam Wysners	1M1W2C	1/O			12	20	16	300	Notto sep-
Spanjer	1M	1/G				1			arate till
Jan	1M1W	1/O							10 men
David Rensburg	1M1W3C	1/O			5	15		90	
Michiel Ekert	1M1W1C	1/O			6	4	8	55	
Piet Boezak	1M1W								
Klaas Arendse	1M1W								
TOTAL	8M7W12C	5+1	2	1	35	120	44	1645	

14th Location - Willem Valentyn Head of Party									
Willem Valentyn	1M1W1C	1/O	1	1	1	35	25		WithNo.16
Matthys Jurie	1M1W6C	1/O	2	1	2	17	16		sinceJune
Piet Windvogel	1M1W	1/G							on Kogne..
RuiterKleinbooy	1M1W4C	1/G	1	1		6	10		2 canals&
Marth.v.Beulen	1M1W5C	1/O			1	6	3		cultivatio
Marthinus " Jr	1M	1/G							...moved
Philip "	1M								higher up
Titus Heimro	1M1W4C	1/O			2	4	9		stream
JosephRyneveld	1M1W1C				2	5		50	
WitbooyStephanus	1M1W							10	
StephanusWitbooy	1M1W1C	1/G			1	2			
HermanusPlatjes	1M1W2C	1/O				6			
KobusTrompetter#	1M1W2C	1/G			4				
JanWindvogel	1M1W1C	1/G			1	3	1	4	
Jacob Cupido	1M1W3C	1/O	1		1	20	13		
TOTAL	15M13W30C	6+6	5	3	15	104	77	64	

15th Location - Jan Jantjies Head of Party									
Jan Jantjes	1M1W1C	1/O			2	6			Since Oct.
DanielJoubert#	1M1W2C	1/O			1	3	4	16	with 11,17
Jan Michels	1M1W	1/O	1				8		&18onGagne
Daniel Michels	1M1W1C	1/G							...now...
CornelisKoopmanJrDS	1M1W	1/G			1		6		higher up
" " Sen.	1M1W2C	1/O			1	7		6	the stream
Booy Platjes	1M1W2C	1/O	1				6		
Jan Louis	1M1W6C	1/G	1				3		
Kieviet Matroos	1M1W2C	1/G				2			
Willem Koopman	1M1W	1/G				2			
ChristiaanKlaas	1M1W	1/O					4		
TOTAL	11M11W16C	6+5	3		5	20	31	22	

16th Location - Jan Valentyn Head of Party									
Jan Valentyn	1M1W6C	1/G	1	1	2	20	13		Since June
Kobus Jager #	1M1W1C	1/G		1		1	4		on Kogne
JanSoldaat #	1M1W2C	1/O			1	11	4		Vide No.14
KievietWitbooy	1M1W3C	1/O	1		2	5	10	50	
Daniel Linx #	1M1W	1/O	1	1	1	13	12	7	
AnthonieDragonder	1M1W	1/G							
Adam Staal	1M1W	1/G				3		35	
Witbooy Draay	1M1W	1/O				6			
AndriesSchipper	1M1W1C	1/G			1	6			
WindvogelKogelman	1M1W	1/G			1				
OersonJochem	1M1W5C	1/G	1		1	5	9		
Jochem Kieviet	1M1W2C				2	2		20	
Fredrik Jordaan	1M1W3C	1/G		1	2	4	10		
David Jantjes	1M1W8C	1/G	1		1	74	10		
Piet Buis	1M1W2C	3/G	1		1	40	10		
MichielPretorius	1M1W5C1	1/O	1		4	24	8		
DanzerPlatjes	1M1W								
Platje Jacobs	1M1W								
TOTAL	18M18W38C5+12		7	4	19	214	90	112	

17th Location - Andries Stoffels Head of Party									
AndriesStoffels	1M1W5C	1/O		1	1		10		Since Oct.
Jan Philip	1M	1/O					6		on Gagne
WillemUithaalter	1M1W	1/G	1		1	3	8		with 11,15
Willem Eksteen	1M1W5C	1/O			2	3	6		18...two
Kobus Linx	1M1W1C	1/O				5			canals&1
Africaner Smit	1M1W4C	1/O	1			20	8		inprogress
MarthinusConstabel#	1M1W3C	1/O				8			...exten-
Hans v.d.Ros	1M1W1C	1/G				3	6		sive culti
JantjeBaartman	1M1W5C	1/O	1			1	6		vation
Kobus Pommer #	1M1W5C	1/G		1	1	18	3		
Thomas Klaas	1M	1/O			3	5			
Isaak Apollus	1M	1/G				4			
Damon Kieviet	1M	1/O				5			
Klaas Platjes	1M1W3C	1/O			3	25	8	50	
Jan "	1M1W5C	1/O			1			250	
BranderEksteen	1M1W1C	1/O				4	6		
David "	1M	1/G				4			
Andries Piet	1M	1/G				3			
MalgasMatroos	1M1W1C	1/O	1			3	10		
Jager Malgas	1M	1/G				1			
KlaasChristiaan	1M1W2C	1/G							
RuiterSaayman	1M1W2C	1/G							
MarthinusRoman	1M1W	1/G					6	10	
Klaas "	1M1W2C	1/O							
Andries "	1M	1/G							
Jan "	1M	1/G							
Jan Mager	1M1W1C					4			
Witbooy Cupido	1M1W	1/O			1	6			
TOTAL	28M19W46	15+12	4	2	13	125	83	310	

18th Location - Frans van Lint Head of Party						
Frans van Lint	1M1W5C	1/G	1	6	6	With No.17
Isaak	"	"	1M1W1C	1/G	6	4
Willem	"	"	# 1M1W3C	1/G	9	6
Isaak	"	"	1M1W4C		1	3
Andries			<u>1M1W1C</u>			<u>5</u>
TOTAL	5M5W14C	0+3	2	29	16	men

TOTAL 243M187W451C 127+99 58 22 369 1822 792 8227

In October nine muids of barley & oats & three sacks of Indian Corn for seed was distributed among these parties at the expence of Government, but of the latter hardly one tenth grew, being eaten by insects. In December eleven and three quarter muids of Indian Corn seed was purchased for Government by the Commissioner General, and eleven muids thereof distributed as before, leaving a surplus of three quarter muids to be still given if ground be prepared for it. Cat River Decr. 22 1829 (signed) A. Stockenstrom

Source: Cape Archives Depot, 1/AY 8/81: Return of Hottentots Provisionally Settled in the Ceded Territory, 22/12/1829, enclosed in Stockenstrom-Civil Commissioner, Albany & Somerset, 11/1/1830.

APPENDIX B(2) - 1833

Key:

Population: Male, Female, Children, Total

Foreigners: Bechuanas, Caffres, Fingos, Gonahs, Total

Stock : Horses, Breeding Horses, Cattle, Sheep

Produce : Wheat, Barley

RETURN OF POPULATION, STOCK AND PRODUCE IN THE KAT RIVER SETTLEMENT IN THE DISTRICT OF ALBANY

Names of Party Heads	Population				Foreigners					Stock			Produce (muids) Sown/Reaped					
	M	F	C	T	B	C	F	G	T	H	B	C	S	W	B	W	B	
1. J. Arendse	13	12	40	65						11	16	161	226	5+	2+	67	44	
2. M. Appel	5	8	10	23						1	3	37	178	2+	1	24	14	
3. C. Groepe	7	4	18	29	33				33	5	12	168	438	2+	2+	73	127	
4. I. Prins	5	5	12	22						2	1	79	400	-1	-1	15	41	
5. J. Faltyn	5	5	15	25		3			3	1	0	39	30	1	2+	13	54	
6. N. Eckert	7	6	15	28						3	10	82	716	?	?	46	53	
7. K. Davids	7	7	18	32						2	4	28	52	1+	-1	13	6	
8. A. Jan	4	4	10	18						0	2	22	46	-1	1+	10	14	
9. W. Brass & K. Witboy	20	18	39	77						1	4		40	0	3+	1+	17	9
10. D. Peters	9	9	15	33	8				8	0	2	10	0	-1	1	2	12	
11. M. v.Beulen	8	6	13	27			5		5	0	1	10	0	2	-1	?	?	
12. W. Valentyn	12	12	18	42			11		11	2	3	98	40	6+	4+	12	82	
13. T. Jurie	4	5	8	17						1	3	22	12	-1	3	?	68	
14. B. Eksteen	Not present																	
15. M. Matroos	5	5	13	23						1	0	0	10	-1	-1	?	?	
16. F. v.Zindt	7	7	16	30			17		17	0	0	29	0	1	1+	24	41	
17. A. Stoffels	29	31	100	160	20	40	60		2	9	219	143		2+	5	15	132	
18. M. Pretorius	13	9	14	36			7		7	1	3	81	88	1+	1+	9	57	
19. H. Geysman	5	4	5	14						0	2	23	69	?	?	8	8	
20. H. Rooy	3	3	5	11	30				30	0	0	9	0	?	?	?	5	
21. R. Bergman	32	30	58	120						2	3	50	0	2+	1+	30	30	
22. P. Coetzer	9	9	20	38						0	0	1	0	-1	-1	5	7	
23. W. de Klerk	3	4	6	13						8	6	14	141	?	?	10	12	
24. J. de Klerk	4	4	12	20	50				50	2	3	77	208	?	?	18	26	
25. R. Kleinboy	12	12	21	45			9		9	?	1	20	0	-1	-1	5	0	
26. H. Tromp	18	18	40	76						1	1	50	55	?	?	13	23	
27. P. Vry	10	9	22	41						3	2	32	630	2	?	25	?	
28. G. Sampson	9	9	23	41						2	6	75	55	?	?	62	43	
29. D. Scheepers	8	11	26	45						0	6	49	150	?	?	77	98	
30. J. Smit	5	5	18	28	16				16	0	1	12	52	?	?	21	16	
31. D. Hatha	3	2	5	10	11				11	0	0	9	0	-1	-1	2	4	
32. A. Pretorius	7	7	13	27						0	0	40	0	1	-1	9	57	
33. C. Vry	4	3	20	27						2	1	40	0	-1	1	?	23	
34. T. Snyman	8	7	13	28	30				30	0	2	25	10	1+	1+	14	28	
35. J. Joubert	3	2	4	9					2	1	17	88		1	1	?	?	
36. A. Bantam	6	7	13	26						0	0	3	0	-1	1+	4	6	
37. L. Peffer	2	2	6	10			3		3	4	3	45	129	1+	1+	12	26	
38. J.Windvogel	16	13	39	68	48		6		54	1	4	64	52	2	3+	31	43	
39. J.G. Lootz	4	5	11	20		1			1	1	4	31	49	1+	2+	5	1	
40. F. Jan	35	30	58	123					5	4	62	116		2+	1+	36	25	

41. B. Windvogel	10	10	12	32					3	3	24	132	2+	-1	10	10
42. D. Rensburg	6	6	19	31					3	6	75	258	?	?	18	?
43. A. Botha	45	44	83	172	51	16	79	146	5	8	197	99	6+	2+	42	42
44. D. Jantjes	23	22	54	99					2	3	56	240	2+	2+	19	58
45. P. Buys	3	5	7	17					0	0	34	25	-1	?	6	?
46. W. Haman	14	12	14	40					2	4	53	0	2+	2+	20	29
47. A. Pretorius	5	5	7	17					1	3	18	0	-1	-1	-1	14
48. S. Boesak	24	23	49	96	96	36	15	147	2	2	47	23	1+	1	8	11
49. J. Coert	6	6	14	26					0	0	6	9	1	-1	4	2
50. P. Stuurman	8	7	17	32					1	0	12	0	-1	1	4	13
51. J. Jansen	8	7	16	31	13		13		2	0	10	0	-1	-1	14	7
52. D. David	Gonah				30	11	31	72	1	1	39	0	-1	-1	?	2

TOTALS	528M	426B	88H
	506F	40C	153BH
	<u>1 100C</u>	120F	2 444C
	2 134	<u>150G</u>	4 959S
		736	

Civil Commissioners Office (signed) Dun. Campbell
 Graham's Town June 7th 1833 Actg. Commr. Genl.

Source: Cape Archives Depot, 1/AY 9/7, Letter Book, Civil Commissioner for Albany & Somerset, 1832-1835, pp. 37-38.

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